

2007 Regular Session

Final Edition

Legislative Highlights

Louisiana Senate

August 31, 2007

Agriculture/Rural Development

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ALTERNATIVE FUELS

Several pieces of legislation this session dealt with the burgeoning issue of alternative fuels such as ethanol and bio-diesel. **House Bill 852 by Representative Daniel (pending House Ways and Means)** repeals the minimum ethanol and bio-diesel standards for gasoline and diesel which requires the use of a certain percentage of alternative renewable fuel when the production of alternative renewable fuels reached a specified threshold. The minimum ethanol and bio-diesel standards were enacted into law pursuant to Act 313 of the 2006 Regular Session. In addition, this legislation provides for tax credits to a manufacturer or producer of biofuel in this state from Louisiana income or corporation franchise taxes as an incentive for the development of the ethanol, bio-diesel, and alternative renewable fuel industry and agricultural production in this state. The tax credit is in the amount of twenty cents per gallon for bio-diesel, ethanol, and alternate renewable fuel not produced from cellulose and thirty cents per gallon for ethanol, bio-diesel, and alternative renewable fuel produced from cellulose. Additionally, the credit would only apply to the first 25 million gallons produced at each facility for each taxable year.

House Bill 551 by Representative Strain (pending House Ways and Means) also provides for the same tax credits without repealing the minimum ethanol and bio-diesel standards.

House Bill 576 by Representative Tucker (pending House Agriculture) repeals the minimum ethanol and bio-diesel standards for gasoline and diesel which requires the use of a certain percentage of alternative renewable fuel when the production of alternative renewable fuels reached a specified threshold. The minimum ethanol and bio-diesel standards were enacted into law pursuant to Act 313 of the 2006 Regular Session.



ANIMALS

Livestock

Senate Bill 246 by Senator Cain (involuntarily deferred-Senate Agriculture) known as the "Farm Freedom Act" prohibits the state of Louisiana from accepting federal funds for the purpose of participating in the United States Department of Agriculture National Animal Identification System (NAIS). The NAIS is a national information system that is aimed at helping producers and animal health officials respond quickly and effectively to animal health events in the United States. At this point in time participation in the program by the states is optional and only a handful of states participate.

Pets

House Bill 630 by Representative Triche (pending House Final Passage) creates the Louisiana Animal Shelter Fund and Commission which has a stated mission of helping to protect the residents and animals owned by residents of the state of Louisiana from loss due to disease or injury caused by the overpopulation of and lack of control of dogs and cats within the state. Under this legislation the Louisiana Animal Shelter Commission would impose a tax of twenty cents per ton on all manufacturers of pet food who sell their pet food in the state. The proceeds of this tax would then go to the various parishes to fund or establish any of the following: (1) programs for the housing, feeding, maintenance or euthanasia of stray or previously owned dogs and cats, (2) programs which will acquaint owners with the regulations and proper techniques of responsible pet ownership, or (3) programs to reduce pet animal overpopulation through the use of surgical techniques which are made available to the public through arrangements with local, private practicing veterinarians within each parish.

Animal Cruelty

Louisiana is the last state in the nation which does not prohibit cockfighting. Several bills this session attempted to prohibit the practice of cockfighting, including **House Bill 101** by

Representative Strain (pending House Agriculture), **House Bill 108** by Representative Richie (Act 425), **Senate Bill 39** by Senator Lentini (pending House Agriculture), and **Senate Bill 221** by Senator Lentini (Act 223). **Senate Bill 39** creates the crime of cockfighting which is the causing of two or more roosters to engage in fighting. This legislation provides that cockfighting is to be considered as cruelty to animals and carry the same punishment. In addition, the legislation further criminalizes the transportation of any gamecock for the purpose of having the animal engage in a cockfight or organizing, promoting, or conducting any cockfight and provides that those found in violation shall be charged with a misdemeanor.

House Bill 108 broadens the scope of the crime of cruelty to animals to encompass cockfighting. This legislation creates the crime of organizing or conducting a commercial or private cockfight, wherein there is a display of combat or fighting among one or more domestic or feral chickens and in which it is intended or reasonably foreseeable that the chickens would be injured, maimed, mutilated, or killed. The legislation further prohibits persons from possessing, training, purchasing, or selling any chicken with the intent that the chicken engage in an unlawful cockfight. The penalties under this framework would consist of a first offense misdemeanor, and conviction of a second or subsequent offense would be a felony. The legislation provides for a one year phase out period and becomes effective on August 15, 2008, and this is the major difference in this legislation from **Senate Bill 39** which provides for immediate effectiveness and no phase out period.

Senate Bill 221 creates the crime of gambling or wagering at cockfights which is the aiding or abetting or participation in any game, contest, lottery or contrivance, in any location where a cockfight is being conducted and whereby a person risks the loss of anything of value in order to realize a profit. This legislation provides that a person who commits the crime of gambling or wagering at a cockfight shall be fined not more

than \$500 or imprisoned for not more than 6 months, or both, and upon a second or subsequent offense the person shall be fined \$1,000 or imprisoned for not more than 1 year, or both. In addition, the legislation provides that whoever conducts, finances, manages, supervises, directs, or owns all or part of a business or premises when the person has knowledge that gambling or wagering at a cockfight occurs shall be fined not more than \$20,000 or imprisoned with or without hard labor, for not more than 5 years, or both.

AGRICULTURAL TAX CREDITS

Transportation of Agricultural Commodities

Several pieces of legislation provide for tax credits against income tax to offset the cost of transportation of commodities from the field to the first point of processing. **Senate Bill 350 by Senator Nevers (pending Senate Revenue & Fiscal Affairs)** grants a tax credit against individual or corporate income tax to the taxpayer who bears the cost of transporting the commodity in an amount equal to five cents per ton per mile the commodity is transported within the state from the point of harvest to the point of delivery. This legislation would apply to those commodities in which the producer, owner, or processor can produce a scale ticket or point of delivery invoice which reflects the weight of the commodity and the point of delivery.

Senate Bill 357 by Senator Nevers (pending Senate Revenue & Fiscal Affairs) also provides for a tax credit against individual or corporate income tax to the taxpayer who bears the cost of transporting a commodity in an amount of 2.5 cents per mile the commodity is transported within the state. This tax credit would be taken by farmers of agricultural commodities that cannot produce a scale ticket or other point of delivery invoice which reflects the weight of the commodity and the point of delivery. The legislation provides that the Department of Revenue is to promulgate rules and regulations which require the farmer to submit documentation with their returns or to specifically retain such

records that will enable the department to determine the taxpayer's eligibility for and amount of the tax credit claimed.

Farm Income

House Bill 206 by Representative Jack Smith (pending House Ways and Means) provides for a deduction from the individual income tax for farm income. This exemption would be effective for the taxable periods beginning on January 1, 2007 and ending on December 31, 2010.

Milk

House Bill 901 by Representative Richie (substitute-adopted on House Floor) provides for a refundable tax credit against any Louisiana income tax and the corporate franchise tax for a taxpayer engaged in the business of producing milk for sale and the USDA Class I price of fluid milk in Louisiana drops below the production price at any time during the taxable year. The legislation also provides for establishment of a production price which includes such factors as the price of milk from the top five states from which milk is imported into Louisiana, the average transportation cost of importing milk from those five states, and the cost of production in the state of Louisiana. Each qualifying taxpayer would be eligible for a ten thousand dollar tax credit based on the production and sale of the first five hundred thousand pounds of milk sold below the production price over a calendar year.

Farm Equipment

Several pieces of legislation this session provide for refundable tax credits or state sales tax exemptions for the purchase of farm equipment. **House Bill 29 by Representative Morrish (Act 424)** amends the current law, which only imposes the state sales and use tax on the sale of farm equipment to that portion of the sale price in excess of \$50,000, to allow the full purchase price of applicable farm equipment to be exempt from the state sales and use tax.

Senate Bill 26 by Senator Nevers (Act 245) expands the option of political subdivisions to grant farm machinery and equipment an immediate or phased-in exclusion from their taxes and to grant an exclusion for other machinery, equipment, supplies, materials, or services used or consumed in the business of farming.

Utilities

Senate Bill 331 by Senator Ellington (Act 471) provides for an exclusion from the state sales and use tax for natural gas and electricity purchased for use by a paper or wood products manufacturing facility. Under current law, there is a existing exemption for electricity and natural gas which has been suspended for 3.3 of 4 cents of state sales tax for non-residential use. Pursuant to this legislation, natural gas and electricity purchased by a paper or wood products manufacturing facility would be permanently exempted from the state sales tax.

House Bill 911 by Representative Townsend (pending House Ways and Means) provides for a state sales and use tax exclusion for propane and butane for certain businesses. Current law provides for an exclusion for consumer purchases of any fuel or gas for residential use. This legislation would expand this exclusion for the sale and purchase of propane and butane by agricultural business.

House Bill 635 by Representative Fannin (pending House Ways and Means) provides for an exemption from the state sales and use tax for the sale at retail, the use, the consumption, distribution, and storage of steam, water, electric power, natural gas, and propane used or consumed for farm purposes by the producers of agricultural commodities. The exemption would be applicable to all taxable periods beginning on or after July 1, 2007.

FORESTRY

Several bills this session dealt with the timber severance tax. **Senate Bill 24 by Senator**

Nevers (pending Senate Revenue & Fiscal Affairs) and Senate Bill 239 by Senator Nevers (pending Senate Revenue & Fiscal Affairs) provide for exempting certain timber and pulpwood from the severance tax if a parish governing authority determines that a hurricane or other emergency declared by the governor has caused great damage or destruction and has materially increased the cost of severing and retrieving tree and timber. **Senate Bill 239** would be retroactive to August 28, 2005, and this is the only substantial difference in the two pieces of legislation.

Under current law, the proceeds from the severance tax on timber is split between the state and the parish from which the timber was severed. The state receives 75% while the parish receives 25%. The state's portion of the proceeds from the severance tax is further divided with 75% going into the Forest Productivity Fund and the other 25% going into the state general fund. **Senate Bill 21 by Senator Smith (vetoed by the governor)** changes the allocation of the state's portion of the severance tax and provides that 100% of the severance tax the state receives shall be deposited into the Forest Productivity Fund.

Capital Outlay

by: Martha Hess
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CAPITAL OUTLAY

House Bill 2 by Representative Townsend (Act 28), provides for the comprehensive capital outlay budget for Fiscal Year 2007 - 2008, including funding from the following sources of monies:

(1)	State General Fund (Direct)	\$ 17,444,500
(2)	Federal Funds	\$ 126,023,918
(3)	Federal Funds - TTF	\$ 605,900,000
(4)	Transportation Trust Fund (TTF) - Regular	\$ 227,407,183
(5)	TIMED Funds	\$ 26,080,035
(6)	Interagency Transfers	\$ 379,132,000
(7)	Misc. Statutory Dedications	\$ 62,009,603
(8)	Fees and Self-Generated Revenues	\$ 86,490,446
(9)	Reappropriated Cash	\$ 2,953,148
(10)	Revenue Bonds	\$ 1,559,310,465

TOTAL CASH PORTION

\$ 3,092,751,298

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

Priority 1	\$ 759,715,000
Priority 2	\$ 537,744,000
Priority 3	\$ 683,150,000
Priority 4	\$ 414,230,000
Priority 5	\$ 2,582,952,520

TOTAL GENERAL OBLIGATION BONDS
\$ 4,977,791,520

BONDS NRP/RBP \$ 7,367,738

GRAND TOTAL ALL MEANS OF FINANCING \$ 8,077,910,556

BONDS NRP is the reallocation of previously sold bonds.

BONDS RBP is the appropriation of funding made available from prepayments of reimbursement bond contracts.

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

Section 16 limits cash lines of credit or authorization or issuance of general obligation bonds to \$901,475,000. After fulfilling the Priority 1 cash lines of credit, there will be approximately \$141,760,000 available for cash lines of credit/bond sale amount for Priority 2 projects.

Civil Law & Procedure

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Senate Bill 210 by Senator Mount, (Act 11) requires judgments and recorded items having the effect of money judgments to include the last four digits of the social security number of the judgment debtor. Presently a final judgment for the payment of money must include the date of birth of all parties against whom it is rendered, if the date of birth is known by the attorney preparing the judgment. **Act 11** adds the requirement that such judgment shall also include the last four digits of the social security number of the judgment debtor, if known by the attorney preparing the judgment. Additionally, **Act 11** requires that a recorded lien having the effect of a money judgment shall also include the last four digits of the social security number or the IRS taxpayer identification number of the debtor, if known by the attorney preparing the lien.

House Bill 72 (Act 3) by Representative R. Carter and Representative Walsworth's House Bill 121 (Act 64) both provide for additional judgeships. **Act 3** provides for an additional judgeship for the 21st Judicial District Court which covers Livingston, St. Helena and Tangipahoa parishes. Currently the 21st Judicial District Court has eight judges. The new ninth division shall have subject matter jurisdiction over juvenile matters. The new judge takes office on January 1, 2009 and will receive the same compensation and expense allowances as the other judges of the district. The new judgeship does not reduce the term of office of any judge of the 21st Judicial District Court.

Similarly, **Act 64** provides for two additional judgeships for the Fourth Judicial District Court for the parishes of Morehouse and Ouachita. There are currently nine judges for the Fourth Judicial District Court with three judges being elected from election section one and six judges

being elected from election section two. **Act 64** increases the judgeships for the Fourth Judicial District Court from nine to eleven with the Division J judgeship being elected from election section one and the Division K judgeship being elected from election section two. **Act 64** requires that the new judges would take office on January 1, 2009, and that they would receive the same compensation and expense allowances as other judges of the district.

Senate Bill 125 by Senator Malone (assigned to Senate Finance), is a Constitutional amendment which would remove the jurisdiction and location of the Louisiana Supreme Court to Baton Rouge.



Coastal Restoration

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In the aftermath of hurricanes Katrina and Rita, and their continuing impact upon a broad array of issues affecting communities and individuals throughout the state, coastal-related concerns remain at the forefront of legislative matters.

Senate Concurrent Resolution 11 by Senator Dupre (filed with the secretary of state) approves the Coastal Protection and Restoration Authority Comprehensive Master Plan for Coastal Protection.

Senate Concurrent Resolution 12 by Senator Dupre (filed with the secretary of state) approves the Coastal Protection and Restoration Authority annual Coastal Protection Plan for Fiscal Year 2007-2008.

Senate Bill 53 by Senator Dupre (Act 249) creates the Louisiana Coastal Protection and Restoration Financing Corporation to securitize an income stream for coastal purposes.

Senate Bill 146 by Senator Dupre (vetoed by the governor) would have created the Windfall Highway, Infrastructure, and Protection (WHIP) Fund and required the deposit in the fund of certain mineral revenues in excess of the amount required to be deposited in the Budget Stabilization Fund, dedicated to certain infrastructure, hurricane protection, and coastal restoration projects.

Senate Bill 156 by Senator B. Gautreaux (Act 259) creates and provides for a levee district for that portion of St. Mary Parish not embraced within the limits of any other levee district, adds a member to the Coastal Louisiana Levee Consortium, and provides for the territorial

jurisdiction of the Atchafalaya Basin Levee District and its board of commissioners.

House Bill 302 by Representative Quezaire (Act 33) provides relative to hurricane flood protection activities by the Department of Transportation and Development, and the membership of the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation.

House Bill 413 by Representative Tucker (Act 475) provides relative to the Southeast Louisiana Flood Protection Authority - West Bank, reorganization of the Orleans Levee District into two levee districts (Orleans Levee District and Algiers Levee District), and reorganization of the West Jefferson Levee District into two levee districts (West Jefferson Levee District and Lafitte Area Independent Levee District).

House Bill 908 by Representative Daniel (Act 454) provides relative to dredging fill material from state water bottoms, including certain exemptions for coastal protection, restoration, and conservation projects.

Senate Concurrent Resolution 14 by Senator Quinn (filed with the secretary of state) memorializes Congress to conduct an independent investigation of the failure of the federal levees in the metropolitan New Orleans area after Hurricane Katrina.

Senate Concurrent Resolution 34 by Senator B. Gautreaux (filed with the secretary of state) requests the Coastal Protection and Restoration Authority and other entities to consider feasibility of certain activities in implementing coastal protection and restoration projects.

Senate Concurrent Resolution 95 by **Senator McPherson (filed with the secretary of state)** requests the Department of Natural Resources to study the establishment of a state coastal land trust to acquire, accept, and manage coastal lands consistent with the state's coastal protection and restoration plan.

House Concurrent Resolution 67 by **Representative Odinet (filed with the secretary of state)** memorializes congress to expedite repair of the St. Bernard Parish levee system and to close the Mississippi River Gulf Outlet.

House Concurrent Resolution 72 by **Representative Hutter (filed with the secretary of state)** directs the U.S. Army Corps of Engineers to immediately close the Mississippi River Gulf Outlet.

House Concurrent Resolution 80 by **Representative Pitre (filed with the secretary of state)** requests actions to address the hypoxia problem in the Gulf of Mexico.

House Concurrent Resolution 107 by **Representative St. Germain (filed with the secretary of state)** memorializes congress to provide assistance and relief for Louisiana's commercial fishing industry.

House Concurrent Resolution 176 by **Representative Odinet (filed with the secretary of state)** memorializes congress to instruct the United States Army Corps of Engineers to include pump station repairs and safe house construction in St. Bernard Parish in the projects to be constructed under the provisions of Public Law 109-234.

Senate Resolution 53 by **Senator Boasso (filed with the secretary of state)** and **House Resolution 68** by **Representative Ansardi (filed with the secretary of state)** memorialize congress and the federal administration to keep the commitment to Louisiana to fully fund recovery from Hurricanes Katrina and Rita.

Commerce & Consumer Protection

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As the final regular session of the 2003-2007 legislative term focused on the fiscal needs of the state, the legislature took time to address numerous issues related to commerce and consumer protection.

BUILDING CODE

Immediately following the devastation caused by Hurricane Katrina and Hurricane Rita, the Louisiana legislature adopted a uniform statewide building code to better protect their citizens and to encourage lower insurance rates. Although the emergency provisions of the uniform statewide building code went into effect in 2005, the majority of the state was given a longer period of time in which to implement the codes. Beginning January 1, 2007, every parish in the state was required to enforce the mandatory provisions of the building code. As the codes began to take effect across the state, numerous issues were raised regarding their implementation and enforcement. After multiple hearings were held across the state by the Louisiana Uniform Construction Code Council, the legislature introduced several measures to "tweak" the provisions of the building code in order to address the concerns of local government.

House Bill 486 by Rep. Fanin (pending Senate Commerce) and House Bill 704 by Rep. Pinac (Act 335) emerged as the primary pieces of legislation to address the concerns raised across the state. As the bills left the House Commerce Committee, they each contained identical language which would have allowed a local governing authority to enforce the provisions of the building code by allowing a contractor or home owner to sign an affidavit in which they would swear, under oath, to build according to the provisions of the statewide building code. The local governing authority would not be required to provide

inspections or plan reviews under this scenario, thus eliminating the need for costly fees. Although the measure received support from local government, it was criticized by the proponents of a statewide building code as weakening the measure since there were no required inspections. Following much debate and discussion, a compromise measure was supported by all parties which provides for the following changes:

1. Does away with the three year terms of council members and provides that members of the council shall serve at the pleasure of the governor.
2. Provides that all municipalities and parishes must use code enforcement officers or certified third-party providers contracted by the municipality, parish, or regional planning commission to enforce the codes.
3. Further clarifies the intent of the legislature that manufactured housing be governed by the federal standards governing construction and the state standards governing installation.
4. Allows homeowners building their own residence to use certified third-party providers for plans review and inspections.
5. Provides that architects and engineers will be granted certificates of registration as third-party providers for their specialty.
6. Provides that enforcement of the International Residential Code (IRC) will only be mandatory with respect to new construction, reconstruction, additions to homes previously built to the code, and extensive alterations. Extensive alteration

means an alteration when the total area of all the work areas included in the alteration exceeds fifty percent of the area of the dwelling unit.

7. Adopts the 2006 version of the IRC amended to include the 2003 design criteria. Keeps such version in place until 2009.

As explained by Randy Noel, chairman of the Louisiana Uniform Construction Code Council, the development of a statewide building code is intended to be a work in progress. As problems develop, the code council and the legislature will need to address the issues in order to provide for smooth enforcement across the state.

In addition to modifying the statewide building code, other legislation emerged which would have an ancillary affect on the codes. **House Bill 629 by Rep. Ritchie (Act 364)** creates the "Louisiana Industrialized Building Act". This legislation would allow for uniform statewide codes for certain industrialized buildings. Currently, each municipality provides for their own enforcement and inspections of these "prefabricated" industrialized buildings. These buildings, which are not accessible to the public, are typically constructed out-of-state and then shipped to locations within Louisiana. This legislation will enable inspections to take place at the manufacturing plant and properly labeled to indicate that they meet Louisiana building codes.

House Bill 743 by Rep. White (Act 110) updates the Commercial Building Energy Conservation Code to current standards and **Senate Bill 240 by Sen. Amedee (Act 270)** requires that certain state-funded major facility projects meet energy efficient standards over a number of years.

Finally, **House Bill 145 by Rep. Triche (assigned to House Appropriations)** would have

exempted certain home improvement contractors from the requirements of maintaining workers compensation insurance provided that they do not employ any other persons. **House Bill 301 by Rep. Hutter (Act 398)** closes a loophole in the current contractor's licensing law by placing a ceiling on the value of the work a home improvement contractor may perform before being required to be licensed as a residential contractor. Under current law, any person who performs home improvement contracting in excess of \$7,500 must be registered with the board. The proposed legislation will require that any person who performs home improvement contracting services in excess of \$75,000 must be licensed as a residential contractor. **House Concurrent Resolution 11 by Rep. Hutter (Sec. of State)** requests that the State Licensing Board for Contractors to consult with the attorney general to develop a proposed homeowners bill of rights.

BANKING/FINANCIAL INSTITUTIONS

In addition to building code legislation, the legislature also addressed various issues related to the banking and financial industries.

Seeking to address concerns raised primarily in the hurricane affected regions of the state, **Senate Bill 301 by Senator Murray (Act 276)** creates the Louisiana Infrastructure Bank in order to fund or to assist in funding certain eligible infrastructure projects of public entities through a revolving loan fund which would be capitalized by federal grants, state funds if appropriated, and other funds generated by the operation of the fund. It is anticipated that the infrastructure bank could help serve as a speedier clearinghouse for certain federal funds that are being appropriated for hurricane recovery. This revolving fund would allow for continued funding of approved projects as loans are repaid to the bank. Likewise, **Senate Bill 104 by Sen. Jackson (Act 255)** establishes banking development districts in certain geographic areas where there is a demonstrated need for banking services and provide incentives

to those banks choosing to located in these distressed or under served areas.

The Office of Financial Institutions (OFI) also requested several measures in order to improve and update the services that they offer. **Senate Bill 142 by Senator Duplessis (Act 376)** authorizes the commissioner of OFI to request and obtain state and national criminal history information on any person listed on any application, registration, or renewal filed with OFI.

House Bill 314 by Rep. Bruce (Act 36) will allow OFI to establish a residential mortgage lending online database system in order to provide an online licensing system which will collect and store applications, licensing information, enforcement actions, and related information which will be maintained by a third-party provider on a multi-state basis. **House Bill 317 by Rep. Geymann (Act 39)** will prohibit any residential mortgage lending licensee from engaging in a loan transaction when he is also acting as real estate licensee in connection with the same loan transaction.

Finally, **House Bill 466 by Rep. Kennard (deferred Senate Commerce)** would have required that any entity conducting residential mortgage lending activities maintain a physical location, a so called "brick and mortar" location, within in the state which would be generally accessible to the general public.

MISCELLANEOUS

The legislature also addressed a variety of other commerce and consumer protection issues during the 2007 Regular Session. Seeking to provide assistance to utilities which are affected by natural disasters, **House Bill 577 by Rep. Pinac (Act 55)** creates the "Louisiana Utilities Restoration Corporation Act" which will provide for the restoration and rebuilding of utility systems after natural disasters using low-cost capital and supporting the financial strength and stability of utility companies that have restored and rebuilt

their systems in order to minimize costs charged to ratepayers for system restoration costs.

Other measures were offered which will address consumer protection issues regarding motor vehicle sales and related products. **Senate Bill 196 by Senator Michot (Act 170)** prohibits a motor vehicle manufacturer or distributor from coercing or attempting to coerce any retail dealer regarding the sale of any extended service contract or extended maintenance plan, gap product, or related items. **Senate Bill 290 by Senator Smith (Act 388)** creates the "Louisiana Vehicle Protection Product Act" which will require that any person who sells a vehicle protection product to register with the Louisiana Motor Vehicle Commission and further requires that such products meet certain conditions regarding the reimbursement, time delays, and coverage provided by such warranty products.

Attempting to remove certain bureaucratic obstacles regarding the purchase of salvage vehicles, **Senate Bill 137 by Senator Fontenot (Act 257)** removes the buyer's identification card requirement for purchasers of salvaged motor vehicles. Under current law, any person wishing to purchase these salvaged motor vehicles are required to register with the commission and must obtain a "bid card" prior to being allowed to make such purchases. As proposed, the buyers identification card requirements are repealed, however the seller must continue to maintain a register of all sales which includes the name and address of the seller and the buyer.

Responding to the increase in copper thefts across the state, in particular in the New Orleans areas, **House Bill 126 by Rep. LaFonta (Act 65) and House Bill 557 by Rep. Honey (Act 322)** provides for increased identification of persons selling certain scrap metal, as well provisions to electronically maintain certain data regarding the identification of the purchased scrap metal. House Bill 126 would also increase the penalties for violating the provisions of current law.

Finally, several measures were offered which would increase certain fees collected from consumers. **House Bill 284 by Rep. Pinac (Act 31)** increases the origination fee a lender may charge on a consumer loan or a revolving loan from not than \$25 to not more than \$50. **Senate Bill 256 by Senator Hollis (Act 131)** increases the documentation fee a motor vehicle dealer may charge from \$35 to \$100 in order to comply with federal and state laws. **House Bill 451 by Rep. Pinac (Act 234)** increases certain inspection fees collected by the Louisiana Public Service Commission from various utilities across the state.

Constitutional Amendments

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Supplemental pay, ad valorem taxes and the funding of future retirement benefits were the only constitutional issues with substantial movement through the legislative process and four proposals will be submitted to the voters on the October 20, 2007 ballot.

SUPPLEMENTAL PAY

The legislature is allowed to supplement the civil service uniform pay plan for certain sworn, commissioned law enforcement officers and fire protection employees under **Act 485**.

The bill applies to those sworn, commissioned law enforcement officers employed by bona fide police agencies of the state or its political subdivisions employed on a full-time basis who serve the welfare of the public in the capacity of a police officer by providing police services to the general public, by effecting arrests, issuing citations, and serving warrants while patrolling waterways and riverfront areas.

In addition, fire protection officers employed on a full-time basis providing fire protection services to a port authority can receive state supplemental pay under this provision.

Any reduction of state payments supplementing salaries of full-time local law enforcement and fire protection officer of the state is prohibited under **Act 483**.

Formerly, state funding for supplemental pay to full-time local law enforcement and fire protection officers of the state this funding had to equal the amount needed to meet payment such requirements as were in effect on July 1, 2001. This limitation is also removed by **Act 483**.

RETIREMENT BENEFITS

In an effort to keep our retirement systems on a sound financial footing, Act 484 requires that any benefit provision approved by the legislature for a future benefit for any member of a state retirement system that has an actuarial cost must include a funding source from new or additional monies that will be sufficient to pay all the actuarial cost of the benefit within ten years of the benefit's effective date.

PROPERTY TAXES

After a property reappraisal, the total amount of ad valorem taxes collected is not to be increased or decreased above or below the amount collected in the previous year. To accomplish this, the millage rate is adjusted.

An increase in the millage rate may be levied by 2/3 vote of the total membership of the taxing authority as long as the increase does not exceed the prior year's maximum authorized rate. In this instance, no voter approval is required but the taxing authority is required to give public notice in the official journal and hold a public hearing prior to taking its vote.

House Bill 26 by Representative Arnold (pending Senate Revenue & Fiscal Affairs committee) would have allowed this same procedure to increase the millage rate to occur but would have provided that the resulting increase in total ad valorem taxes collected not be larger than the aggregate increase in the cost of living as reflected in the official Consumer Price Index for All Urban Consumers as published by the federal government since the last reappraisal for all property.

This proposal would also have provided that the public notice not only be published in the official journal of the taxing authority but also in another newspaper with a larger circulation within the taxing authority than the official journal.

This cost of living increase as reflected by the official Consumer Price Index would only be effective in parishes in which this proposal amending the constitution was approved by a majority of the electors.

Jewelry held on consignment with a jewelry dealer will be exempt from ad valorem taxes under **Act 486** which will take effect January 1, 2008 if adopted.

Corrections

by: Dennis Weber
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Senate Bill 39 by Senator Lentini, (referred to the House Committee on Agriculture) creates the crime of cockfighting and provides for penalties for those who violate this §102.23. It reads in part: Cockfighting; prohibited; penalties

- A. Cockfighting shall be unlawful.(1) "Cockfighting" means the causing of two or more roosters, defined as "gamecock," to engage in fighting.
- B. As used in this Section the following terms shall be defined as follows:
 - (2) "Gamecock" means any rooster bred or trained for participation in a cockfight.
- C. Cockfighting is determined to be cruelty to animals and shall be prosecuted under the provisions of R.S. 14:102.1.
- D. No person shall transport any gamecock or another chicken, male or female, where the trier of fact may conclude that such transportation was for the purpose of having the animal engage in a cockfight or for the purpose of using the transported bird for the breeding of a gamecock or for the training for cockfighting.
- E. No person shall organize, promote, conduct, or financially or materially support any cockfight, including but not limited to knowingly providing property, moveable or immovable, which shall be used to stage a cockfight or to transport gamecocks.
- F. (1) Any person in violation of Subsection D or E of this Section shall be fined one

thousand dollars or imprisoned for not more than six months, or both. Each such violation shall constitute a separate offense.

(2) Upon a second or subsequent violation of Subsection D or E of this Section, any property used in commission of the violation may be confiscated by the court and sold at public auction. The proceeds of such auction shall be distributed to the Department of Public Safety and Corrections to be used in enforcement, investigation, and prosecution of any violation.

Senate Bill 73 by Senator Broome, Act 369, Enacts the Uniform Child Abduction Prevention Act. Proposed law creates the Uniform Child Abduction Prevention Act.

This law provides that a petition under the Uniform Child Abduction Prevention Act may be filed only in a court that has jurisdiction to make a custody determination with respect to the child at issue under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) or the Uniform Child Custody Jurisdiction Act (UCCJA).

It requires cooperation and communication among courts in proceedings under the Uniform Child Abduction Prevention Act.

The law provides factors to determine risk of abduction and measures to prevent abduction, for pleadings and authorizes court to determine and impose abduction prevention measures and remedies, authorizes the court to issue an ex parte warrant to take physical custody of the child if there is a credible risk that the child is imminently likely to be wrongfully removed.

This law provides that an abduction prevention order remains in effect until the earliest of the time stated in the order, the emancipation of the child, the child's attaining 18 years of age, or the time the order is modified, revoked, vacated or superceded by a court jurisdiction under the UCCJEA or the UCCJA.

Senate Bill 88 by Senator Fontenot, (referred to Judiciary C) Includes obscenity as one of the crimes which require registration as a sex offender following conviction.

This Bill amends and reenacts R.S. 15:541(9)(b) and (14.1), relative to the registration of sex offenders; to require a person convicted of obscenity to register as a sex offender; to add obscenity to the definition of "criminal offense against a victim who is a minor" and "sex offense".

Section 1. R.S. 15:541(9)(b) and (14.1) is amended and reenacted to read as follows:
§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

(9) "Criminal offense against a victim who is a minor" for the purposes of this Chapter means conviction for the perpetration or attempted perpetration of:

(b) A violation of any of the following provisions when the victim is under eighteen years of age: R.S. 14:82, R.S. 14:82.1, R.S. 14:83, R.S. 14:84 (1), (3), (5), or (6), R.S. 14:86, R.S. 14:106, a sex offense as defined in Paragraph (14.1) of this Section, or R.S. 23:251(A)(4).

(14.1) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:92(A)(7) (contributing to the delinquency of

juveniles), R.S. 14:93.5 (sexual battery of the infirm), R.S. 14:106 (obscenity), R.S. 14:283 (video voyeurism), a second or subsequent conviction of R.S. 14:283.1 (voyeurism) or any provision of Subpart C of Part II or Subpart A(1) of Part V of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state or federal law which is equivalent to an offense provided for in this Chapter.

Section 2. This Act shall become effective on August 1, 2007; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on August 1, 2007, or on the day following such approval by the legislature, whichever is later.

This law adds obscenity to the list of crimes that require an offender to register as a sex offender. It defines a "criminal offense against a victim who is a minor" as a conviction for the perpetration or attempted perpetration of certain offenses regarding prostitution and pandering, sex offenses or certain types of employment when the victim is under the age of eighteen.

Senate Bill 114 by Senator Cheek, (referred to Judiciary C) The bill requires a Constitutional amendment to provide for civil forfeiture of property used in commission of crimes against minors. By a joint resolution, this bill requires a amendment to Article I, Section 4 of the Constitution of Louisiana, to clarify that property used in commission of certain crimes against minors relative to the production, distribution or exchange of child pornography may be forfeited.

Personal effects, other than contraband and property used in relation to the production, distribution or exchange of child pornography shall never be taken.

The following property may be forfeited and disposed of in a civil proceeding, as provided by law: contraband drugs; property derived in whole or in part from contraband drugs; property used in the distribution, transfer, sale, felony possession, manufacture, or transportation of contraband drugs; property furnished or intended to be furnished in exchange for contraband drugs; property used or intended to be used to facilitate any of the above conduct; property used in the production, distribution or exchange of child pornography or proceed derived therefrom; or other property because the above-described property has been rendered unavailable.

Senate Bill 145 by Senator Malone, (recommitted to House & Governmental Affairs) This bill provides that the effects of a pardon shall be limited to a conviction for an offense against this state.

The effects of an automatic pardon or pardon granted by the governor of this state shall be limited to a conviction for an offense against this state. No automatic pardon or pardon granted by the governor of this state shall restore rights lost by virtue of a conviction for a federal offense or offense against another state, including the right to qualify for office or to take office.

Senate Bill 147 by Senator Cheek, (Act 125) amends and reenacts R.S. 14:30(C), relative to the crime of first degree murder; it empowers district attorneys with the option to not seek a capital verdict; to provide for penalties; and to provide for related matters.

Whoever commits the crime of first degree murder shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence in

accordance with the determination of the jury. Penalty provisions.

If the District Attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, in accordance with the determination of the jury. If the district Attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation or suspension of sentence. The provisions of C.Cr.P. Art 782 relative to cases in which punishment is necessarily confinement at hard labor shall apply.

Senate Bill 215 by Senators Cravins, (Act 128), amends and reenacts R.S. 32:65, relative to illegal speed contests on public roads and certain property; to provide for penalties for persons engaged in such speeding contest.

No person shall drive any vehicle upon the public roads in this state in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record upon the public roads in this state or upon any publicly-owned or privately-owned property to which the public's access is not prohibited, and no person shall in any manner participate in any such race, speed competition, drag race, test of physical endurance, exhibition, or purpose of making a speed record. "Drag racing" is defined as means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out distance outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit on the public roads of this state.

For the purposes of this section racing is defined as Section, "race" means the use of one or more vehicles in an attempt to out gain, out distance, or prevent another vehicle from passing, or to test the physical stamina or endurance of drivers over long distance driving routes on the public roads of this state.

Any person convicted of violating the provisions of this section shall be punished as follows:

(1) If there is no serious personal injury involved, the person shall be subject to the penalties as provided in R.S. 32:57.

(2)(a) If, during the course of commission of the violation, a serious bodily injury or death occurs which is in any way connected to the violation, the penalty shall be a fine of not less than five hundred or more than two thousand dollars or imprisonment, with or without hard labor for not less than one year or more than five years, or both.

(b) For the purposes of this Paragraph, "serious bodily injury" means bodily injury which involves unconsciousness; protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or a substantial risk of death.

Crimes/Criminal Procedure

by: Tracy Sudduth
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CRIMES

Senate Bill 39 by Senator Lentini (pending House Agriculture) would have created the crime of cockfighting. Cockfighting would have become illegal on August 15, 2007.

House Bill 108 by Representative Ritchie (Act 425) creates the crime of cockfighting. Cockfighting will become illegal on August 15, 2008.

Senate Bill 221 by Senator Lentini (Act 223) prohibits gambling and wagering at a cockfight which is the aiding or abetting or participation in any game, contest, lottery or contrivance, in any location where a cockfight is being conducted and whereby a person risks the loss of anything of value in order to realize a profit. Becomes effective on August 15, 2007.

House Bill 213 by Representative Johns (Act 287) provides for penalties for "doctor shopping" of prescriptions for controlled dangerous substances and Carisoprodol. **Act 287** provides that it shall be unlawful for any individual, while being supplied with any controlled dangerous substance or legend drug Carisoprodol or a prescription for any controlled dangerous substance or legend drug Carisoprodol by one health care practitioner, to knowingly and intentionally obtain or seek to obtain any controlled dangerous substance or a prescription for a controlled dangerous substance from a second or subsequent health care practitioner without disclosing the fact of the existing prescription to the practitioner from whom the subsequent prescription for a controlled dangerous substance is sought. **Act 287** requires the disclosure to be in writing and to be made a part of that person's medical record and specifies certain information required to be disclosed. **Act 287**

provides that the failure of a practitioner to request the disclosure is not a violation. **Act 287** provides penalties of imprisonment, with or without hard labor, for not more than five years and that the person may be sentenced to pay a fine of not more than \$5,000.

House Bill 969 by Representative Downs (Act 363) prohibits sexual contact between an educator and a student. The crime is committed when any of the following occur:

- (1) An educator has sexual intercourse with a person who is 17 years of age or older, but less than 19 years of age, when the victim is not the spouse of the offender and is a student at the school where the educator is assigned, employed, or working at the time of the offense.
- (2) An educator commits any lewd or lascivious act upon a student or in the presence of a student who is 17 years of age or older, but less than 19 years of age at the school in which the educator is assigned, employed, or working at the time of the offense with the intention of gratifying the sexual desires of either person, when the victim is a student at the school in which the educator is assigned, employed, or working at the time of the offense.
- (3) An educator intentionally engages in the touching of the anus or genitals of a student who is 17 years of age or older, but less than 19 years of age and a student at the school in which the educator is assigned, employed, or working at the time of the offense using any instrumentality or any part of the body of the educator, or the

touching of the anus or genitals of the educator by a person 17 years of age or older, but less than 19 years of age and a student at the school in which the educator is assigned, employed, or working at the time of the offense using any instrumentality or any part of the body of the student.

Act 363 provides that the consent of a student, whether or not that student is 17 years of age or older, or lack of knowledge of the student's age shall not be a defense. **Act 363** provides for the penalties of a fine of not more than \$1,000 or imprisonment for not more than six months, or both. For a second or subsequent offense, an offender may be fined not more than \$5,000 and shall be imprisoned, with or without hard labor, for not less than one year nor more than five years. **Act 363** further provides that any educator having cause to believe that prohibited sexual conduct between an educator and student shall immediately report such conduct to a local or state law enforcement agency and no cause of action shall exist for good faith reporting. **Act 363** defines "school" to include any public or private school or learning institution, but excludes universities and colleges.

CRIMINAL PROCEDURE

House Bill 436 by Representative Martiny (Act 307) creates the Louisiana Public Defender Board (LPDB) and provides that the members of Louisiana Indigent Defense Assistance Board (LIDAB) will continue to serve as members of the new board and transfers all obligations, duties, powers, and responsibilities of LIDAB to LPDB. **Act 307** requires all members of the board who have not previously been confirmed by the Senate to be confirmed by the Senate. **Act 307** provides that the board is a state agency subject to public records and open meetings, bid and procurement, and all other laws applicable to state agencies. **Act 307** provides that a member may be removed for excessive absences from

meetings. **Act 307** provides that oversight of the rules shall be conducted by the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary C. **Act 307** provides for an indigent defender board in each judicial district; the members of the board are appointed pursuant to rules and regulations adopted by the judges of that judicial district which provide for the appointment of board members. **Act 307** provides for the creation of the Louisiana Public Defender Fund and the composition of the fund, administration of the fund, and use of monies from the fund. **Act 307** further provides that there is hereby created within each judicial district an indigent defender fund which shall be administered by the district public defender. **Act 307** provides that the board shall have the authority to take corrective or disciplinary action against any regional director or district public defender for failure to adhere to the standards and guidelines for rendering indigent defender services. **Act 307** provides that the board shall adopt rules for the establishment of salary ranges for attorneys and support staff delivering public defender services, taking into consideration variations in public defense practices and procedures in rural, urban, and suburban districts as well as professional experience. **Act 307** provides that any attorney providing public defender services in a district shall be licensed to practice law in the state of Louisiana. **Act 307** shall not prohibit an attorney licensed to practice in another state from providing an indigent person in a criminal case on a pro-bono basis. **Act 307** shall not apply to any out of state attorney with a contractual obligation prior to June 1, 2007.

House Bill 148 by Representative Farrar (Act 283) increases the annual salary of assistant district attorneys payable by the state. **Act 283** provides that, effective July 1, 2008, the annual salary of assistant district attorneys shall be \$45,000, payable monthly by the state treasurer upon the warrant of each of the assistant district attorneys.

House Bill 164 by Representative Cazayoux (subject to call - Senate final passage)

would have provided that persons convicted of armed robbery shall not be eligible for parole consideration. **House Bill 164** would have only applied to persons convicted on or after August 15, 2007, and would not have been retroactive.

House Bill 342 by Representative Wooton (Act 41) adds the crime of domestic abuse battery to the list of misdemeanors that provide when the offender possessed, used, or discharged a firearm in the commission of the offense, the offender may be charged with a felony.

Senate Bill 144 by Senator Duplessis (Act 258) requires compliance with the existing minimum standards whenever a fire employee or law enforcement officer is under investigation. **Act 258** provides for a penalty of absolute nullity if the minimum standards are not met.

House Bill 350 by Representative Geymann (Act 91) provides that the chief of police or his authorized representative must begin investigation within 14 days after a formal, written complaint is made against an officer. **Act 91** provides that the investigation will be considered to be complete when the officer has received notice of a pre-disciplinary hearing or when it has been determined that the complaint is unfounded or unsustainable.

House Bill 970 by Representative Cazayoux (Act 460) provides for comprehensive revision of the sex offender registration and notification provisions, including the following major changes:

- (1) Amends the definition of "aggravated offense" and requires those offenders to register for life.
- (2) Adds the definition of "sexual offense against a victim who is a minor" and

requires those offenders to register for a period of 25 years.

- (3) Provides that all other sex offenders shall register for a period of 15 years.
- (4) Requires juveniles over the age of 14 who have been adjudicated delinquent for certain offenses to register with local law enforcement agencies.
- (5) Requires sex offenders and child predators to register with the sheriff of the parish of residence, where the offender attends school, where the offender works, and in the parish of conviction.
- (6) Requires the offenders to provide additional information to law enforcement upon registration.
- (7) Decreases the time period in which an offender has to register from 10 days to three business days.
- (8) Requires in-person verification by the offender on a periodic basis. Those convicted of an aggravated offense must verify registration every three months, those convicted of a sexual offense against a victim who is a minor must verify registration every six months, and all other sex offenders shall verify on an annual basis.
- (9) Amends the procedures in which the sex offender must notify law enforcement of a change of address.
- (10) Amends the community notification requirement regarding notification to the superintendent of park, playground, and recreational districts.
- (11) Consolidates provisions regarding emergency procedures for sex offenders who are displaced or evacuated.
- (12) Amends the provisions regarding the duties of the Dept. of Public Safety and Corrections, the Bureau of Criminal Identification and Information, and the courts regarding their obligations to notify offenders of their registration and notification requirements.

- (13) Amends provisions relative to the Sex Offender Registry Technology Fund to provide that for 2007-2008 FY, residual monies shall be appropriated to the office of the attorney general, \$200,000 of which shall be allocated to facilitate the acquisition, implementation, and support of a computer system for sheriffs to monitor and track offenders. For 2008-2009 FY, \$150,000 shall be allocated to the office of the attorney general, \$50,000 for personnel and other costs, and \$100,000 for maintenance costs.
- (14) Adds new provision which provides that court records are subject to disclosure to the district attorney, sheriff, or other law enforcement officers for the purpose of fulfilling their duties with regard to sex offender registration and notification requirements, without the necessity of obtaining a court order or other authorization for release of such records.
- (15) Provides that the crime of failure to register shall include the failure to register, periodically renew and update registration, provide proof of residence, notification of change of address, or other registration information, or community notification. Provides that knowingly providing false information to law enforcement shall also constitute a failure to register.
- (16) Require community notification to be made upon change of residence or every five years.
- (17) Provides that the court may waive sex offender registration and notification requirements in cases of felony carnal knowledge when the victim is 13 years or older and the perpetrator is less than four years older than the victim. Prohibits waiver of these requirements in all other cases, and provides that any order waiving such requirements shall be null and void.

Senate Bill 172 by Senator Chaisson (Act 262) provides for compensation, not to exceed

\$40,000, for the loss of life opportunities resulting from wrongful conviction and the time spent incarcerated. **Act 262** requires any judgment rendered to be payable from the Innocence Compensation Fund. **Act 262** provides that the attorney general shall represent the state in these proceedings. **Act 262** requires that the court submit an annual report to the judicial administrator of the supreme court and that the judicial administrator of the supreme court submit an annual report to the governor and legislature. **Act 262** extends the date for filing petition based upon disposition occurring before 2005 to 2008.

Senate Bill 215 by Senator Cravins (Act 128) enhances the penalty when serious bodily injury or death occurs which is in any way connected to an illegal speed contest on public roads. **Act 128** also prohibits such activities, including attempts to make a speed record, on publicly-owned or privately-owned property where public access is not prohibited. **Act 128** provides for a penalty of a fine of not less than \$500 or more than \$2,000 or imprisonment, with or without hard labor for not less than one year or more than 5 years, or both.

Senate Bill 261 by Senator Quinn (Act 132) requires communication providers, landlords, etc. to assist law enforcement with the installation of wire taps. **Act 132** provides for a time limit to both initial orders and extensions for the installation and use of pen registers or trap & trace devices to 60 days.

Culture, Recreation & Tourism

CULTURE

by: Michelle Broussard-Johnson
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CULTURAL ARTS/DEVELOPMENT

Senate Bill 299 by Senator Broome (Act 175) requires the Board of Elementary and Secondary Education to develop, adopt and provide for the implementation of a visual and performing arts curriculum in public schools beginning with the 2010-2011 school year. It would also provide for professional development and training to teachers, school administrators, and professional practicing artists relative to the implementation of the new arts curriculum. Implementation is contingent on financing being made available in the state budget.

House Bill 406 by Representative Frith (Act 46) creates the Abbeville Film and Visitors Commission District, as of July 1, 2007, as a political subdivision of the state to develop the district as a film, video, and television production center.

House Bill 806 by Representative Thompson (Act 347) provides for the Louisiana Center for Rural Initiatives to develop and implement in Caldwell, Catahoula, Concordia, East Carroll, Franklin, Madison, Morehouse, Quachita, Pointe Coupee, Richland, Tensas, and West Carroll parishes for the purpose of finding solutions to various problems in the region. Under the Center, the Delta Development Initiative would be created to search and develop solutions related to poverty, education, healthcare, economic development, jobs, housing and culture in rural communities.

CULTURAL COMMENDATIONS

Senate Concurrent Resolution 54 by Senator Hines (Filed with the Secretary of State) acknowledges May 16, 2007 as the 75th anniversary of the Louisiana State Capitol.

House Concurrent Resolution 132 by Representative Marchand (Filed with the Secretary of State) commends Alpha Kappa Alpha Sorority, Incorporated for its services and recognizes May 3, 2007 as Alpha Kappa Alpha Day at the legislature.

House Resolution 11 by Representative Townsend (Filed with the Secretary of State) recognizes May 2, 2007 as Louisiana Culture, Recreation and Tourism Appreciation Day.

CULTURAL FUNDING/TAX

House Bill 270 by Representative Alario (Act 30) removes the limitation on proceeds of the sales and use tax levied by the Louisiana Tourism Promotion District which may be used for tourism promotion purposes.

House Bill 359 by Representative Townsend (Act 298) authorizes the establishment of cultural product districts and grant a state and local sales and use tax exemption for works of art sold in those districts. It would also provide an income and corporate franchise tax credit for rehabilitation of structures in such districts. This would also increase the maximum amount of tax credits allowed in one calendar year from \$1 million to \$10 million.

House Bill 742 by Representative Morrell (Assigned to House Appropriations) would have established a Fund for Convention Development to assist the public and quasi-public convention event venues in south Louisiana in competing with other cities for convention business. Such appropriation would have supported an initiative to strengthen the ability of south Louisiana event venues to compete for convention business with comparable venues in other cities.

House Resolution 18 by Representative Salter (Filed with the Secretary of State) requests a study to make potential recommendations regarding the use of state funds or resources in activities which compete with private enterprises. Businesses are said to be in direct competition with publicly funded attractions and publicly funded attractions tend to have an adverse effect on the viability of many businesses.

TOURISM

*by Mary O'Brien
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Tourism has been a particular focus in the efforts to re-build and restore areas of the state devastated by hurricanes Katrina and Rita in 2005. With the revitalization of the dynamic pre-Katrina/Rita tourism industry in Louisiana as a top priority, the Louisiana Legislature has sought to bring additional funds into this effort, as well as to encourage new local initiatives in the area of tourism. Consequently, the major themes of this regular session were the creation of new districts and tourist commissions and the imposition and use of additional taxes to re-energize tourism throughout the state.

DISTRICTS

New districts created in the 2007 Regular Session of the legislature included the Abbeville Film and Visitors Commission District, created by **House Bill 406 by Representative Frith (Act 46)**. This district includes the entire city of Abbeville and has as its primary purpose the development of the district as a film, video, and television venue in order to increase the number of entertainment projects located in Abbeville.

Created in this session were the French Quarter-Marigny Historic Management District established in **Senate Bill 364 by Senator Murray (Act 280)** and the New Orleans City Park Taxing District provided for in **Senate Bill 217 by Senator Murray (Act 266)**. These districts in New Orleans directly address the issue of preserving and, at the same time, refurbishing two of New Orleans' most treasured assets: the French Quarter and neighboring historic areas and City Park, home to the New Orleans Museum of Art and a beautiful oak-shaded retreat in the midst of the bustling city. Certainly tourism in New Orleans centers around the French quarter, but the park and its museum are frequent destinations for tourists as well.

Senate Bill 79 by Senator Theunissen (Act 121) provides for the establishment of the Jefferson Davis Parish Tourist Commission charged with expanding tourism in the parish.

The powers and duties of the Baton Rouge Are Convention and Visitors Bureau were expanded to include the acquisition of property and the construction or lease of facilities, among other duties, in **House Bill 750 by Representative Honey (Act 201)**.

TAXING

House Bill 270 by Representative Alario (Act 30) removed the limitation on the use of proceeds of sales and use taxes assigned to the Louisiana Tourism Promotion District, a statewide

district created in 1990 to encourage and facilitate tourism in Louisiana.

An increase in the amount of the hotel occupancy tax levied for the benefit of the St. Landry Parish Tourism Commission, from two percent to four percent, was provided for in **House Bill 292 by Representative LaFleur (Act 32)**.

Economic Development

by: *Mary O'Brien*
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In the aftermath of hurricanes Katrina and Rita, Louisiana's economy has grown in the field of construction, however concerns linger regarding the long term sustainability of Louisiana's economy, generally. While the influx of billions of federal dollars has spurred residential construction, and less-robust commercial construction, once these construction and repair dollars are spent the concern remains regarding the growth and vitality of Louisiana's post-storms economy. Considerable amounts of monies in the budget and capital outlay bills focused on economic development projects, but the legislation regarding economic development was minimal in the 2007 Regular Session.

ECONOMIC DEVELOPMENT DISTRICTS

Senate Bill 124 by Senator Broome (Act 374) enacts the Louisiana Community Economic Development Act which seeks to energize community economic development in Louisiana. The bill provides for community development corporations and community development financial institutions and tax credits for investment in either of these entities.

The building of a convention center in Vidalia is the goal of establishing the Vidalia Riverfront Development District. The district's governing authority and its authority to levy a hotel occupancy tax, the proceeds of which would be used for the building of such a facility, are provided for in **House Bill 526 by Representative Anders (Act 54)**.

Spurring economic development in Grant parish and the delta region of Louisiana are the focus of two house instruments. **House Bill 334 by Representative Chandler and Senator Smith (Act 87)** creates the Pollock Economic and Industrial Development District, establishing a

board for the district and powers for the board to encourage development in this parish. **House Bill 806 by Representative Thompson (Act 347)** establishes the Center for Rural Initiatives to implement the "Delta Initiative" which is charged with providing a dynamic and comprehensive approach to planning, developing, and implementing solutions to the problems of poverty, substandard education, limited health care opportunities, and stagnant economic development and a limited number of jobs in the eleven parishes of the delta region.

K-12 Education

by: Jeannie Johnston
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CURRICULUM

There is increasing state and national concern over the rising rates of childhood obesity and the related physical, social, and emotional problems that start in childhood and continue into adulthood. **Senate Concurrent Resolution 104 by Senator Dupre (enrolled)** requests the Department of Education to study the feasibility of developing an statewide health education curriculum and physical fitness assessment for students in grades K-12.

State law and BESE regulations establish physical education requirements for all grade levels in the public schools. However, there is a wide level of disparity across school districts in the implementation of these requirements. **Senate Bill 362 by Senator Cassidy (Act 180)** requires the Department of Education (contingent upon funding) to employ a health and physical education coordinator to oversee the development, implementation, and monitoring of health and physical education curricula in the public schools at all grade levels.

The rigorous requirements of the Louisiana School and District Accountability System and the high stakes nature of the LEAP and GEE tests have focused considerable attention on the core subjects in the curriculum (Math, Science, English/Language Arts, and Mathematics). **Senate Bill 299 by Senator Broome (Act 175)** reinforces the importance of the arts in the curriculum by requiring the Board of Elementary and Secondary Education to develop and implement a visual arts curriculum and a performing arts curriculum in the public schools. The bill, which is contingent upon funding, calls for a phased implementation of this requirement beginning with curriculum development in 2007-2008, professional development for teachers in 2008-2009, pilot

implementation in 2009-2110, and full implementation in the 2010-2011 school year. Students in grades K-8 would receive 60 minutes of instruction in each area per week, and high schools would provide such instruction in accordance with specific curriculum guidelines developed by BESE. \$50,000 was appropriated to the Department of Education for FY 2007-2008 to fund year one of the scheduled implementation timeline.

DYSLEXIA SCREENING

Currently, local school systems are required to screen every child for dyslexia and related learning disorders at least once during grades K-3. Research shows that the earlier a child is identified as having signs of dyslexia and interventions are begun, the better the educational attainment and social outcome for the child. **Senate Bill 160 by Senator Nevers (Act 217)** established a pilot program designed to increase early identification of dyslexia by requiring schools to screen every child in grades K-3 at least two times in each of these early years. Once identified, each child with dyslexia or a related learning disorder will be provided with educational interventions designed to meet his specific needs. Educational goals will be established for each child and every student will be monitored periodically to assess progress toward his or her goals. Implementation of this pilot program is contingent upon funding.

EARLY CHILDHOOD EDUCATION

House Bill 595 by Representative Trahan (Act 56) names the early childhood development and enrichment activity classes for four-year olds (known as LA 4) the "Cecil J. Picard LA 4 Early Childhood Program".

FUNDING

The Minimum Foundation Program formula, which has undergone various changes over the years, contains several significant revisions for the 2007-2008 fiscal year. **House Concurrent Resolution 208 by Representative Crane (enrolled)** contains the formula adopted by the Board of Elementary and Secondary Education (BESE) on June 11, 2007, and has an implementation cost of \$2.95 billion dollars - an increase of \$198 million over FY 2006-2007. Full funding of the MFP formula represents approximately 10% of the total state budget and 40% of the State General Fund.

The most notable changes to the 2007-2008 MFP formula are as follows:

- **A \$100 increase in the Base Per Pupil amount from \$3,652 to \$3,752.** This increase is generated by the annual 2.75% growth factor built into the formula.
- **Increased the weight for at-risk students from 19% to 21%.** This weight is added to the base per pupil amount to account for the added cost of educating children living in poverty. This factor generates \$1.21 of state funding for children from disadvantaged families for every dollar spent on other children. The at-risk weight has been gradually increasing (it was 17% in 2005-2006), and BESE established a goal of increasing this weight factor to 40% over the next five years.
- **Use of the "Deduction Method" to calculate local wealth.** Local districts will now only be judged on their individual capacity to raise local revenue and not how they stand in relation to other districts. A change in one district's wealth will no longer affect another district's ranking as it has in prior years.
- **An \$11.50 increase in the mandated cost allocation from \$80 to \$91.50 per pupil.** These funds are to be used to offset the increased costs of retirement, health insurance and fuel.

- **Gradual elimination of the Hold Harmless provision.** A number of parishes (there are currently 11) have been "held harmless" for the past 15 years from reductions in funding due to changes made in the formula in 1992-93 when allocations began to be made on student enrollment counts. \$38 million in hold harmless funds will be reduced by 10%/year over the next 10 years.

Local school districts continue to be required to use 50% of additional monies received each year through the MFP for teacher pay raises.

Because hurricane recovery has been slower than expected, the new formula also continues extra funding for one more year for the six districts most impacted by the hurricanes (Cameron, Jefferson, Orleans, Plaquemines, St. Bernard, Bogalusa).

SCHOOL BUS SAFETY

All school buses purchased after January 1, 1996, are required to be equipped with a crossing control device that is operated in conjunction with the STOP arm on the bus. However, there are approximately 2,000 school buses in use across the state that were acquired prior to that date and do not have this safety device. To ensure the safety of all children exiting a school bus and crossing the road, **House Bill 157 by Representative Walsworth (Act 284)** requires that these older buses be equipped with a crossing control device not later than January 1, 2008. Effectiveness of this requirement is contingent upon appropriation of funds.

STUDENT DISCIPLINE

Authority to establish Truancy and Assessment Service Centers on a pilot basis was granted by the legislature in 1999 to seven judicial districts. Based upon the initial success in these parishes, the program continued to expand and truancy centers are now successfully operated in 19 parishes. Guided by the LSU Office of Social

Services Research and Development in conjunction with local school systems, law enforcement, and courts, the centers provide social services and other interventions to reduce truancy and improve educational outcomes for children referred for services. **Senate Bill 187 by Senator Ullo (Act 169)** changes the status of the centers from a limited pilot program to a permanent program in which all parishes/judicial districts are eligible to participate.

Student discipline and the appropriate course of action to take with students who are suspended or expelled is always a controversial topic. Violent events such as those that occurred at Columbine and at Virginia Tech University have prompted considerable debate regarding what can be done to make school campuses safer for students.

Current law establishes punishable offenses and related penalties for students committing these offenses, but also requires local school systems to provide an alternative education program for suspended and expelled students. However, local school systems can apply to BESE for a waiver from the alternative program requirement if they can demonstrate economic hardship.

Current law also requires school systems to impose minimum mandatory expulsion periods for students found guilty of firearm and drug related offenses on school property, on a school bus, or at a school sponsored event. A student found guilty of possession of a firearm, regardless of age or grade level, is expelled for a minimum of 12 months. Minimum penalties for drug possession range from local discretion for students in grades K-5, to 12 months for students under age 16 in grades 6-8, to 24 months for students 16 years of age and older.

Senate Bill 265 by Senator Ullo (Act 385) changes calculation of the required expulsion periods for all offenses from a calendar month to a semester basis, to better conform with the school

year calendar. The bill increases the minimum expulsion period for firearm possession from 12 months to 4 complete school semesters for students 16 years of age and older and for students under age 16 in grades 6-12. The penalty for firearm possession is expulsion for two complete semesters for students in grades K-5. The minimum penalties for drug offenses are four complete semesters for students age 16 and older and two complete semesters for students under age 16 in grades 6-12. The penalty for students in grades K-5 remains at local discretion. After the 2007-2008 school year, BESE will no longer have the authority to grant waivers and every school system will be required to provide an alternative education program.

TOPS

The TOPS scholarship program is continually subject to revisions to address circumstances that were not anticipated when the statute was originally enacted in 1997. After Hurricanes Katrina and Rita displaced thousands of Louisiana students across the country, the Louisiana Department of Education established a Distance Diploma program whereby displaced students who graduate from an out-of-state high school during the 2005-2006 school year could also be awarded a Louisiana diploma, provided other eligibility criteria were met. The TOPS law was amended in the 2005 First Extraordinary Session to also extend TOPS eligibility to these students. A significant number of Louisiana students remain displaced due the storms, and the Department of Education consequently extended the Distance Diploma program through the 2006-2007 school year. **Senate Bill 94 by Senator Chaisson (Act 372)** correspondingly continues TOPS eligibility for students graduating from out-of-state high schools during the 2006-2007 school year who participate in the Louisiana Distance Diploma program.

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. Because home study students are not required to take the core curriculum and do not report grade point averages to the state, the TOPS law requires a home study student to earn an ACT score (or equivalent SAT score) at least two points higher than that required of traditional high school graduates.

House Bill 634 by Representative Scalise (Act 412) maintains the two point ACT differential for home study students to be eligible for all TOPS awards for the 2007-2008 award year. However, beginning with the 2008-2009 award year, home study students will be required to earn an ACT (or equivalent SAT) score at least two points higher for the TOPS-Tech award and the Opportunity Award, but only one point higher to be eligible for the TOPS Performance and Honors awards. This bill also reduces the minimum core curriculum GPA required of public high school and approved nonpublic high school graduates to qualify for the Performance and Honors awards from 3.5 to 3.0 on a 4.00 scale.

Postsecondary Education

by: Sherri Breaux
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MAJOR STATE GENERAL FUND ADJUSTMENTS FOR FY-08

- Fully fund higher education institutions below formula funding to reach southern average state funding for peer institutions — \$98 million
- Pay increase to average 5% across institutions for higher education faculty — \$30 million
- First substantial need-based aid scholarship program (Regents) — \$15 million
- Additional funding for endowed chairs and professorships across the state — \$10.7 million
- Deferred maintenance for institutions of higher education — \$30.1 million
- Technology infrastructure conversion upgrades for University of Louisiana System and LCTCS — \$20.2 million
- Funding for hurricane-affected campuses to assist with faculty recruitment and retention and to recover research and operation capacity — \$10 million
- Operating expenses related to storm recovery for impacted campuses — \$15 million

COMMUNITY/TECHNICAL COLLEGES

Senate Concurrent Resolution 41 by Senator Nick Gautreaux (enrolled) requests the Board of Supervisors of Community and Technical Colleges to submit written quarterly

reports to the Senate Select Committee on Vocational-Technical Education, the Senate Committee on Education, and the House Committee on Education regarding the progress made in implementing the plan for regional coordination and support of the campuses comprising the Louisiana Technical College.

CRISIS MANAGEMENT

Senate Concurrent Resolution 8 by Senator Heitmeier (enrolled) requests each public postsecondary education institution to develop and implement a comprehensive emergency response and crisis communication plan and be prepared to respond in a decisive, timely, and appropriate manner to emergency and life-threatening situations and events that may occur on campus. Each institution is to seek input and guidance from the La. Commission on Law Enforcement and Administration of Criminal Justice and appropriate state and local law enforcement authorities when developing its plan. The Board of Regents will submit a written report to the Senate and House education committees on the status of actions taken by each institution in response to the requested plan.

SOUTHERN UNIVERSITY

House Bill 831 by Representative Honey (Act 350) renames the Honors College Building at Southern University at Baton Rouge the Dr. Dolores Richard Spikes Honors College Building.

STUDENT LOANS/SCHOLARSHIPS

House Concurrent Resolution 15 by Representative G. Smith (enrolled) memorializes Congress to expand current student loan forgiveness programs to

individuals who relocate to Louisiana to rebuild and revitalize communities damaged by Hurricane Katrina or Rita, including but not limited to partial or total forgiveness of loans for individuals employed by public and nonprofit agencies and providing services to communities damaged by Hurricanes Katrina or Rita.

TOPICS OF INTEREST

Pelican Promise

Source: LSU Communications & University Relations

The Pelican Promise is a program created and approved by the LSU Board of Supervisors that will supplement TOPS and other financial aid programs to help assist low-income students with the costs associated with attending LSU. The program will provide additional funding to students receiving TOPS, Pell grants, and other fee waivers and grants available to low-income students. Typically, after all of those awards have been given, students still need to come up with several thousand dollars a year to cover the additional costs for attendance at college. Pelican Promise will provide about \$3,000 annually to those students. The program was approved at the LSU Board of Supervisors meeting on March 8 and 9, and will go into effect this fall for incoming freshmen.

To be eligible for Pelican Promise, a student's family would have to be within 150% of the federal poverty level. That means a family of four would have to have an annual household income of \$30,975 or less. A family of three would have to have an annual household income of \$25,755 or less.

Projections show that in 2007-08, LSU would have 320 students initially at a cost of about \$1million who would be eligible to receive funds through Pelican Promise. And, LSU officials say their goal is to expand the

program as additional resources become available to include more students, with the ultimate goal being to broaden the eligibility to 200% of the poverty level. At 200%, a family of four with an annual household income of \$41,300 would be eligible for Pelican Promise.

Awards like TOPS typically do not cover all of a student's costs of attending LSU, such as books, supplies, housing, meals, and transportation. It is this shortfall that often seem insurmountable to low-income families. Whereas, TOPS is based on academic merit, Pelican Promise is based on financial need.

How to Apply:

Complete the LSU application for undergraduate admission. Eligibility will be determined once the student completes the FAFSA and has applied for all state, federal, and LSU resources.

Go Grants

Source: Board of Regents

Appropriation: \$15,000,000

Enrollment criteria:

- Louisiana resident admitted and enrolled as a certificate- or degree-seeking undergraduate student at a Louisiana public or private (LAICU) college or university: (1) as a first-time freshman or (2) aged 25 or older and not having enrolled in a college or university in credit bearing courses for at least three years.

Financial need criteria:

- Financial need is based on information on the FAFSA.
- Student must be awarded the Pell grant.
- Student must have an Education Cost Gap (ECG) or unmet need greater than

zero. The ECG is calculated as follows:

Full-time student	Part-time student
Tuition and mandatory fees <i>plus</i>	Tuition and mandatory fees <i>plus</i>
\$2,000 for textbooks, supplies, materials and other related education expenses <i>minus</i>	\$1,000 for textbooks, supplies, materials and other related education expenses <i>minus</i>
Federal grants [Pell, Academic Competitiveness Grants (ACG), etc] <i>minus</i>	Federal grants [Pell, Academic Competitiveness Grants (ACG), etc.] <i>minus</i>
State grants (LEAP) <i>equals</i>	State grants (LEAP) <i>equals</i>
Education Cost Gap	Education Cost Gap

Award amount:

- Annual award of \$2,000 for full-time and \$1,000 for part-time students.

Renewal eligibility criteria:

- Student eligibility will be reevaluated annually, using the ECG formula, for students with continued Pell eligibility who meet satisfactory academic progress as defined by the institution (consistent with federal guidelines).

Rules and regulations for the administration of the program will be developed by the La. Office of Student Financial Assistance (LOSFA) in consultation with and approved by the Board of Regents, subject to LOSFA's regular rule-making procedure.

Elections

by: Tabitha I. Gray
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Senate Concurrent Resolution 64 by Senator Jones (filed with Secretary of State) requests every mayor, sheriff and chief of police for the state of Louisiana to make available the opportunity for every person who is incarcerated, but not convicted of a crime, the right to vote absentee in the all elections.

Senate Bill 105 by Senator Jackson (Act 124) allows a person who is physically disabled, to submit his mobility impaired identification card issued by DMV, to vote absentee by mail for one year. It also allows a person who is considered to be a senior citizen, 65 years old or older, to vote absentee by mail for one year.

Senate Bill 225 by Senator Jones (Withdrawn from the files of the Senate) was an attempt to allow same day registration. This bill would have allowed a person who wanted to vote on election day and is qualified to vote to register and vote in their parish at a central location established by the registrar. The applicant would have completed a registration form, taken an oath and provide proper identification and two forms of proof of residence. The secretary of state had the option to establish other procedures for proving proof of identity and residence. In the case of any alleged fraud, the registrar must have immediately notify by telephone or fax the attorney general and district attorney for every parish.

Senate Bill 320 by Senator Jones (Withdrawn from the files of the Senate) was an attempt to extend the present law which provides for elections during or a gubernatorially declared state of emergency for certain displaced persons who have registered by mail on or after October 5, 2004, but prior to Sept. 25, 2005, to vote absentee by mail without first voting in person at the polls or appearing or voting at the office of the registrar,

if they provide an affidavit attesting to their displaced status until June 15, 2008. It was also an attempt to extend satellite voting for registered voters of the affected area who registered to vote on or before the date of the gubernatorially declared emergency or disaster, to vote during the early voting period at any registrar in any parish that has a population of 100,000 or more according to the most recent federal decennial census. Attempted to extend the special early voting provision for members of the U.S. service or persons residing outside the U.S. to persons temporarily displaced by hurricanes Katrina and Rita until June 15, 2008.

House Bill 248 by Representative Ansardi (ACT 229) extends the period during which early voting application and early voting are to be conducted from the period of time from 12 days to six days prior to any scheduled election to the period of time from 14 days to seven days prior to any scheduled election. Election expenses incurred by a registrar and his permanent employees associated with early voting on any Saturday on which early voting is conducted shall be paid by the state.

House Bill 347 by Representative Gallot (Act 297) increases the compensation of commissioners-in-charge and certified commissioners who serve at the polling places on election day.

House Bill 698 by Representative Lancaster (Act 448) provides that, subject to certain exceptions, a change of registration based upon a change of residence within a parish received after the closing of registration for a first party primary or special first party primary becomes effective prior to the second party primary election or special second party primary

election. Provides for the time period for objecting to candidacy. Clarifies that unaffiliated voters may participate in a congressional primary election unless the party prohibits such participation. Provides for notice requirements for parties that choose to prohibit such participation of unaffiliated voters. Clarifies language relative to qualifying for congressional second party primary elections and general elections. Allows a state central committee to select a nominee to qualify for the general election in certain situations. Provides that in the case of a tie in the second party primary, the party's nominee is selected by public drawing of lots.

Environment

by: Cathy Wells
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LANDFILLS

Senate Bill 166 by Senator Duplessis (Senate Committee) would have prohibited the secretary of DEQ from permitting a Type I, Type II, Type III, or other enhanced solid waste facility or to otherwise allow any solid waste disposal facility to operate on the authority of any administrative order or by any declaration of emergency east of the Industrial Canal and north of the Mississippi River in Orleans Parish.

House Concurrent Resolution 56 by Representative Badon (enrolled) requests the governor, DEQ, and other federal agencies not to authorize the construction and operation of a construction and demolition landfill at MRGO and Bayou Bienvenue.

House Concurrent Resolution 134 by Representative Beard (enrolled) requests DEQ to revoke D & J Fill, Inc.'s solid waste permit.

controlled, in whole or in part, by any company or person that is a responsible person is eligible for such tax credit.

LITTER

Senate Bill 288 by Senator Butch Gautreaux (House Committee) would have created regional litter abatement study groups to evaluate the state's litter laws, rules, and regulations.

BROWNFIELDS

Senate Bill 339 by Senator Fontenot (Act 392) increases the amount of income tax credits for eligible brownfields sites to 50% of investigation and remediation costs and authorizes the credits to be transferred. SB 339 prohibits a tax credit for any expenditures for which a taxpayer receives a credit, rebate, or other tax incentive granted by the state under any other provision of law (prohibits "stacking" of tax credits). In addition, SB 339 clarifies that no corporation or partnership including any company owned, affiliated, or

Ethics

by: *Todd Parker*
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BOARD OF ETHICS

Senate Concurrent Resolution 26 by Senator Shepherd (pending House and Governmental Affairs) directs the Louisiana Board of Ethics staff persons to cease and desist all lobbying at the legislature.

House Bill 532 by Representative Daniel (Act 442) requires the Board of Ethics to select an ethics administrator to serve as general counsel to the board, to provide general office management, and to perform other functions that the board may delegate. Provides that the ethics administrator be a full-time public employee and prohibits him from engaging in any employment with any other agency of the state or with a political subdivision or agency thereof or enter into any contract or subcontract with any other agency of the state or with a political subdivision or agency thereof. It further prohibits the ethics administrator from engaging in outside business activities requiring active participation as determined by the board. Defines "outside business activities requiring active participation" to include but not be limited to the practice of any profession for compensation other than in performing his public duties and responsibilities as ethics administrator. These requirements become effective August 15, 2008.

The Act further requires the person holding the title of ethics administrator to, within 30 days after the signature of the governor or lapse of time for gubernatorial action, file a written disclosure statement with the Board of Ethics. Requires such disclosure statement to contain a description of all outside business activities requiring active participation in which the ethics administrator is currently engaged, including a description of services performed and the identity of each person for whom such services are performed. Provides that the ethics administrator

shall thereafter file an updated disclosure statement every three months until August 15, 2008. Provides that all disclosure statements filed by the ethics administrator shall be subject to the provisions of the public records law (R.S. 44:1 et seq.).

CAMPAIGN FINANCE

House Bill 273 by Representative LaFleur (Act 144) provides that for a candidate for an office other than a major or district office, a contribution by the candidate for his own campaign shall not be considered in determining whether the candidate has received a sufficient amount of contributions to subject the candidate to reporting requirements under the Campaign Finance Disclosure Act.

ETHICS TRAINING

House Bill 493 by Representative Barrow (Act 315) requires the Board of Ethics to design and make available via the Internet training and educational materials pertaining to the Code of Governmental Ethics, the Campaign Finance Disclosure Act, and the provisions of law relative to lobbying of the legislature and executive branch agencies. It requires all public servants to get a minimum of two hours of ethics education and training within each four-year period during every four-year period of a term of office or employment, with an elected or appointed official required to receive one hour of such education and training during the first year of his term of office, and additionally requires all elected officials to get a minimum of one hour of campaign finance training within each term of office. However, the implementation of such education and training requirements will be staggered if the House concurs in amendments adopted by the Senate on this bill.

House Committee Study Resolution 5 by Representative Gallot (Approved) requests the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to study mandatory ethics training for all public servants.

FINANCIAL DISCLOSURE OF PUBLIC OFFICIALS

Senate Bill 157 by Senator Marionneaux (pending House and Governmental Affairs) would have required that all public servants, candidates, and elected officials submit a copy of their most recent federal and state income tax return each year. It would have prohibited any elected official who is licensed to provide professional services in Louisiana from contracting to provide such services to any state agency or any other public entity. Additionally, it would have required income disclosure by any legislator who performs services for or in connection with a political campaign, or derived from such services, whether directly or indirectly, other than the member's own campaign.

House Bill 730 by Representative Jackson (pending conference committee) would have required statewide elected officials, members of the legislature, other elected officials, appointed officials, and members of the Board of Ethics to disclose certain income, compensation, and financial transactions of the official or his spouse and additionally would have required candidates for statewide elective office and the state legislature to file financial disclosure statements with the Board of Ethics at the time of qualifying. The bill would have required statewide elected officials, spouses, and candidates for those offices to report sources of income as now required of the governor. Legislators, spouses, and candidates for the legislature would be required to report income sources exceeding \$5,000 per year and liabilities, with certain exceptions, larger than \$5,000 per year. All other elected officials would be required to report the same as legislators.

LOBBYISTS

Current law provides that lobbyists will register with the Board of Ethics in writing within five days of employment or within five days after the first action as a lobbyist the following information: (1) his name and business address; (2) his employer's name, including the business in which that person is engaged; (3) the name of each person who pays him; and (4) a photograph made within the prior six months, filed with the initial registration form. The forms will be maintained and published by the ethics board. It provides that a report be filed in the office of the board semi-annually on forms provided by the board or if mailed, will be postmarked. The report will show the total of all expenditures and the aggregate total of expenditures.

House Bill 733 by Representative Robideaux (subject to call— House final passage) would require lobbyists to file an initial registration with the board after employment as a lobbyist and prior to the first action requiring his registration as a lobbyist. It proposed to add to the list of required information the following: (1) a characterization of the type of work to be performed as salaried, contractual, pro bono, or some other specified type and (2) an identification by category of potential subject matters to be addressed by him, as of the initial registration. It proposed to change "expenditure reports" to "activity reports" and add the following information required to be submitted in reports: the name, business address, business telephone number, and mailing address of the lobbyist, and an identification by category of subject matters lobbied and not already reported in the initial registration. It further would have repealed a provision of law providing that any expenditure for any meal or refreshment consumed by or offered to a legislator in connection with the legislator giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group shall not be reportable.

PUBLIC EMPLOYEES/OFFICIALS

Under current law, if any elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of the provisions of the Code of Governmental Ethics concerning participation in certain transactions involving the governmental entity, he shall recuse himself from voting. An elected official shall not be required to recuse himself if he prepares and files in writing a statement describing the matter in question, the nature of the conflict or potential conflict, and the reasons why, despite the conflict, the elected official is able to cast a vote that is fair, objective, and in the public interest. Such statement shall be filed within three days of the vote with the chief clerical officer of the respective house of the legislature, of the legislative committee, of the governing authority, or of any other body in which the vote is taken.

Senate Bill 40 by Senator Fields (failed Senate final passage) would have removed legislators from these statutory provisions. However, these provisions would have been placed within the Joint Rules of the legislature pursuant to **Senate Concurrent Resolution 7 by Senator Fields (withdrawn)**, which would have defined "substantial economic interest" to not include the interest that a member has in legislation concerning an elected office created by the constitution or by law pending before either house of committee of the legislature.

House Bill 212 by Representative Pitre (Act 141) prohibits a public servant from converting to personal use certain governmental property or resources or from allocating certain governmental property or resources to his immediate family members in a manner that is preferential over members of the general public during gubernatorially declared disasters or emergencies.

House Bill 250 by Representative Strain (involuntarily deferred in House and

Governmental Affairs) would have prohibited a public officer in state government from requiring an employee under his supervision or control to perform duties for which the public officer knows or reasonably should know the employee is not trained and which the public officer knows or reasonably should know may endanger the safety of the employee.

House Bill 340 by Representative White (Act 148) requires the posting of information in plain language regarding the rights of public employees to be free from reprisal for disclosing certain improper or illegal acts of their employers. Specifies that if the Board of Ethics following a public hearing finds there is probable cause to believe that a person has violated a criminal law of this state, that the board shall forward a copy of its findings to the district attorney of the parish in which the violation occurred for appropriate action.

STUDY OF ETHICS LAWS

House Committee Study Resolution 1 by Representative Lancaster (Approved) requests the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet and to function as a joint committee on or after Jan. 14, 2008, to commence a comprehensive study of ethics laws and exceptions to ethics laws, including but not limited to the Code of Governmental Ethics, the Campaign Finance Disclosure Act, and the provisions of law relative to lobbying of the legislature and the executive branch, and to report the findings of the joint committee to the legislature no later than 30 days prior to the convening of the 2008 R.S.

Finance

by: Linda Nugent
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PAY RAISES

State employees received a \$1,500 pay increase through the state budget as did teachers (\$2,375), school support workers (\$1,000), and college faculty (5% on the average). Other pay increases considered include:

Beginning January 14, 2008, statewide elected officials will receive a pay increase under the provisions of **House Bill 489 by Representative Toomy (Act 440)**. The governor's salary would increase from \$95,000 to \$130,000; salaries for the lieutenant governor, secretary of state, attorney general, treasurer, and commissioner of agriculture and insurance would increase from \$85,000 to \$115,000.

House Bill 974 by Representative Farrar (Act 422) provides that the actual salaries of supreme court, court of appeal, and district court judges would be increased by 4-1/2%, 4-6/10%, and 4-9/10% at the beginning of each fiscal year in 2008, 2009, and 2010. The state-paid salary of city and parish court judges would be increased by 4-9/10% at the beginning of each fiscal year in 2008, 2009, and 2010. (Additionally, beginning in 2010 increases in the salaries of sheriffs will no longer be linked to that of judges like they are now.)

Assistant district attorneys salaries will be increased to \$45,000 per year beginning July 1, 2008 (**House Bill 148 by Representative Farrar - Act 283**). The assistant district attorneys are already in line to have their salary increase from \$35,000 to \$40,000 on July 1, 2007.

Beginning July 1, 2007, pay increases for election commissioners will range from \$50 to \$300 per day (**House Bill 347 by Representative Gallot - Act 297**). This pay increase is the first for the commissioners in more than 20 years.

The compensation schedule for assessors continues to be based on population; however the five tiered structure would be reduced to three tiers in legislation being considered. Current compensation ranges from \$60,000 to \$80,000; **House Bill 467 by Representative Townsend (Act 97)** increases the range from \$88,290 to \$108,290.

Another measure (**Senate Bill 103 by Senator Jackson - Act 254**) increases the salary for each of the steps for the registrar of voters, chief deputy registrar, and the confidential assistants of the registrars of voters.

SUPPLEMENTAL PAY

Deputy sheriffs, firefighters, and municipal police who meet certain criteria receive supplemental payments from the state in the amount of \$300 per month. **House Bill 4 by Representative Alario (Act 281)** increases the pay to \$425 a month. Certain Tunica-Biloxi tribal officers and Coshatta firefighters were also amended into the bill.

Additionally, harbor police and fireboat operators employed by the Port of New Orleans will be eligible for supplemental pay if a constitutional amendment (**Senate Bill 128 by Senator Heitmeier - Act 485**) is passed and ratified by the voters. **Senate Bill 286 by Senator Heitmeier (Act 275)** is the companion legislation that would put the first responders into the statutes.

A constitutional amendment, **Senate Bill 2 by Senator Fontenot (Act 483)**, prohibits the reduction of supplemental pay to those who are eligible.

There was an attempt to make emergency medical technicians employed by public EMS

providers eligible for supplemental pay; however, because there was insufficient data on the number of eligible EMTs, **House Bill 172 by Representative Bruce (assigned to Senate Finance)** was turned into a study resolution.

TREASURY FUNDS

Several bills creating special funds in the state treasury were considered by the Senate Finance Committee. The New Opportunities Waiver Fund, to be created via **Senate Bill 98 by Senator Schedler (Act 481)**, will be used solely for adding additional waiver slots. Its source of funding is excess revenue – 12% of recurring general fund revenue, not to exceed \$50 million in any fiscal year, as recognized by the Revenue Estimating Conference in excess of the official forecast at the beginning of the current fiscal year. The monies may be appropriated in the ensuing fiscal year.

The Health Care Redesign Fund would be established in the state treasury through **Senate Bill 238 by Senator McPherson (Act 172)**. Monies in the fund are to be used for the purpose of supporting initiatives for the redesign and improved efficiency of the health care system in the state.

Senate Bill 146 by Senator Dupre (vetoed by the governor) which creates the Windfall Highway, Infrastructure, and Protection (WHIP) Fund, beginning in 2008 requires the deposit of 25% of mineral revenue received each year in excess of the threshold relative to the Budget Stabilization Fund. Seventy percent of monies in the fund go to DOTD for roads; and 30% of the monies are to be used for Coastal Protection and Restoration Authority projects. Beginning in 2015, the percentages allocated to DOTD and to coastal projects begin to change by 10% increments, until in 2017 90% of the funds go to DOTD and 10% would be for coastal projects.

OFFSHORE ROYALTY REVENUE ASSETS

The Louisiana Coastal Protection and Restoration Financing Corporation is created by **Senate Bill 53 by Senator Dupre (Act 249)** as a bankruptcy remote corporation for the purpose of securitizing the income stream of offshore royalty revenue assets. (The legislation is patterned after the Tobacco Settlement Financing Corporation.) Proceeds from any sale of the assets are to be deposited in the Coastal Protection and Restoration Fund.

TOURISM DOLLARS INCREASE

The Department of Culture, Recreation and Tourism receives a portion of the state sales tax to be used to promote tourism in the state. The tax set aside for that purpose generates more than \$20 million a year but the department has been limited in the amount of the proceeds it can get each year. Under **House Bill 270 by Representative Alario (Act 30)**, the cap will be removed thereby allowing the full amount generated to be devoted for tourism promotion.

I-49 NORTH AND SOUTH

Revenues from unclaimed property are available to secure bonds to finance the remaining north and south portions of I-49. **House Bill 531 by Representative Montgomery (Act 320)** authorizes such monies in the Unclaimed Property Leverage Fund to also be used to match federal funds for construction costs. The bill further creates two accounts in the fund, one for I-49 North and one for I-49 South, and provides that each is to receive 50% of monies from the Leverage Fund. Relative to the I-49 North project, monies in the fund are to first be applied to that portion of the project from I-220 to the Louisiana/Arkansas border.

FUNDING HIGHWAYS

In an effort to secure more funds for highway construction, at least two of the several bills introduced in the 2007 Regular Session toward that end were heard in Senate Finance

Committee. **Senate Bill 258 by Senator Ellington (assigned to Senate Finance) and House Bill 722 by Representative Quezaire (assigned to Senate Finance)** would dedicate to the Transportation Trust Fund sales tax on the sale of motor vehicles and immediately dedicate all of the revenues from truck and trailer registrations (which are currently being phased in). Although acknowledging the need for more funding for highway construction, both bills were deferred by the committee due to the significant impact (\$369 million) on the state general fund.

APPROPRIATIONS

The General Appropriation Bill (**House Bill 1 by Representative Alario - Act 18**) provides for the ordinary operating expenses of state government for Fiscal Year 2007-2008. The bill contains \$7.97 billion and a total means of financing of \$29.38 billion. (*Highlights and details of HB1 and other fiscal bills of significance will be forthcoming from Senate Fiscal Services Staff shortly.*)

Supplemental appropriation bills were necessary to provide for certain unmet and/or unanticipated needs during the current 2006-2007 Fiscal Year. **House Bill 774 by Representative Alario (Act 6)** provides funding for emergency preparedness, economic development, prevention and treatment of addictive disorders, payments for housing of state inmates and juvenile offenders in local jails, student housing, and rural water programs, among others. **House Bill 953 by Representative Alario (Act 205)** also provides supplemental Fiscal Year 2006-2007 funding for various departments and agencies needs, including paying road hazard and other judgments against the state.

House Bill 765 by Representative Alario (Act 203) provides for supplemental operating and capital appropriations for hospitals, road hazard and other judgments, and included funding of \$827 million of Fiscal Year 2005-2006 surplus monies

and over \$1 billion of excess revenues from Fiscal Year 2006-2007.

House Bill 615 by Representative Alario (Act 208) provides relative to certain state funds. The Act creates the La. Mega-Project Development Fund and provided for deposit of \$150 million into the fund to be used by the Secretary of the Department of Economic Development with the Governor's approval to secure certain large scale projects to create new jobs or to retain existing jobs. The Act also provides for various fund transfers to provide for projects in the current year or next fiscal year.

Gaming

by: *Camille Sebastien Perry*
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Senate Bill 221 by Senator Lentini (Act 223) prohibits gambling or wagering at a cockfight, which is the aiding or abetting or participation in any game, contest, lottery or contrivance, in any location where a cockfight is being conducted and whereby a person risks the loss of anything of value in order to realize a profit. A person who commits the crime of gambling or wagering at a cockfight shall be fined not more than \$500 or imprisoned for not more than 6 months, or both, and upon a second and subsequent offense the person shall be fined \$1,000 or imprisoned for not more than 1 year, or both. A person who conducts, finances, manages, supervises, directs, or owns all or part of a business or premises when the person has knowledge that gambling or wagering at a cockfight occurs shall be fined not more than \$20,000 or imprisoned with or without hard labor, for not more than 5 years, or both.

House Bill 238 by Representative Wootton (Act 292) increases the amount of business a non-gaming supplier must conduct with a gaming licensee to require the issuance of a non-gaming supplier permit from \$100,000 to \$200,000. Additionally, the bill provides that any person who, directly or indirectly, furnishes services or goods to the holder of a riverboat gaming license, slots at track facility license, or the casino gaming operator, regardless of the dollar amount of the goods and services furnished or who has a business association with the holder of such a license or the casino operator, may be required by the board or division, where applicable, to be found suitable or apply for a non-gaming supplier permit. Failure to supply all information required by the board or division, where applicable, may result in a finding of unsuitability or denial of a non-gaming supplier permit.

House Bill 484 by Representative Triche (Involuntary calendar-subject to call-Senate final passage) would have authorized a person who has been granted a Class A-General retail permit or a Class A-Restaurant permit to sell alcoholic beverages for consumption on the premises of a restaurant, bar, tavern, cocktail lounge, or club, except in the parish of Orleans, to make available tables and areas of the licensed premises separated for adult patronage only for the purpose of conducting promotional poker tournaments. The conducting of these promotional poker tournaments at licensed restaurants and bars would have been subject to the following conditions:

- (1) No more than one tournament may be conducted per week.
- (2) No person under the age of 21 may conduct or participate in any promotional poker tournament.
- (3) The promotional poker tournament shall be conducted in an area of the licensed premises which is separated for adult patronage only.
- (4) The owner of the licensed premises or his employee or agent shall not receive any thing of value related to a promotional poker tournament.
- (5) The owner of the licensed premises or his employee or agent shall not collect, hold, redistribute, possess, or otherwise handle any prize money on behalf of players in a promotional poker tournament.
- (6) The owner of the licensed premises or his employee or agent shall not operate or

conduct or participate in the operating or conducting of a promotional poker tournament.

- (7) The owner of the licensed premises or his employee or agent shall not furnish any playing cards, poker chips, tokens, markers, buttons, seating cards, or containers for storage of wagers for safekeeping during a promotional poker tournament.
- (8) The owner of the licensed premises or his employee or agent shall not collect an entry fee or cover charge as a condition of entering or participating in a promotional poker tournament or receiving any prize.
- (9) The owner of the licensed premises or his employee or agent shall not increase, inflate, or adjust the price of food or beverages prior to or during the conducting of a promotional poker tournament so that the price of food or beverages is different from those same items offered for sale at times when the licensed establishment is not conducting a promotional poker tournament.

The bill would have additionally authorized the owner of a licensed premises or his employee or agent to advertise the conducting of promotional poker tournaments only through indoor or outdoor signage and word-of-mouth advertising. Promotional poker tournaments conducted pursuant to provisions of proposed law shall not be construed to authorize the owner of a licensed premises or his employee or agent or any other person to conduct gambling or to provide criminal immunity from prosecution to any person conducting the crime of gambling.

RIVERBOATS

Senate Bill 199 by Senator Mount (Act 171) authorizes the governing authority of Calcasieu Parish to levy an additional admission fee of \$0.50 for each passenger boarding or

embarking upon a riverboat. Funds derived from this additional fee shall be distributed as follows:

- (1) 60% to the Calcasieu Parish School Board.
- (2) 30% to McNeese State University.
- (3) 10% to Sowela Technical Institute.

Additionally, the bill clarifies that the fees authorized in the bill shall not be construed to supercede or modify the terms of the agreement executed between a governing authority and a riverboat licensee prior to the effective date of new law and that such agreement shall continue in force and effect until changed or otherwise discontinued by the parties to such agreement. The bill further clarifies that the additional fifty cent fee authorized in new law shall not be added to any fee currently levied or collected under the terms of an agreement executed between a governing authority and a riverboat licensee prior to August 15, 2007.

Senate Bill 356 by Senator Shepherd (pending in Senate Judiciary B) would have authorized the governing authority of Jefferson Parish to levy an additional admission fee of fifty cents for each passenger boarding or embarking upon a riverboat. Funds derived from admission fees levied on the East Bank would have been distributed to the East Jefferson General Hospital and funds derived from admission fees levied on the West Bank would have been distributed to the West Jefferson General Hospital, to offset increased medical expenses of care.

House Bill 613 by Representative Dorsey (Act 236) provides that in East Baton Rouge Parish, in lieu of the admission fee of up to \$2.50 for each passenger boarding or embarking upon a riverboat as authorized by present law, the governing authority of the location of the berthing facility may levy a fee not to exceed four and five-tenths percent of the monthly net gaming proceeds

from each riverboat located within the jurisdiction of that governing authority. The amount of the fee shall be established by contract between the governing authority and the riverboat licensee.

VIDEO POKER

Senate Bill 190 by Senator Murray (Act 469) requires that the franchise fee of 22 ½% required to be paid by the device owner at a pari-mutuel wagering facility be calculated after the deduction of net device revenue derived from the operation of devices at the pari-mutuel wagering facility.

House Bill 354 by Representative Wootton (subject to call-Senate final passage) provides that if neither an officer nor director of a corporation nor a manager of a limited liability company, nor his or her spouse, has, directly or indirectly, more than a 5% ownership, income, or profit interest in the applicant or licensee, or receives more than 5% revenue interest in the form of a commission, finder's fee, loan repayment, or any other business expense related to the gaming operation, and the spouse does not have the ability, in the opinion of the board or the division, to exercise a significant influence over the activities of a licensee authorized or to be authorized by present law, the board or the division may, in its discretion, not require the spouse of the officer, director, or manager to meet all suitability requirements and qualifications for licensure.

In its original form, the bill had allowed for an increase of one video draw poker device for a total of four devices at licensed restaurants and bars and repealed provisions providing for designated representative employee permits. However, these provisions were removed from the bill by the House Committee on Administration of Criminal Justice.

House Bill 756 by Representative DeWitt (Act 338) provides that no license shall be issued for any truck stop facility unless previously applied for or licensed as of January 1, 2008,

located at the time application is made for a license to operate video draw poker devices, within 2,500 feet of any property that is on the National Historic Registry, any public playground, or a building used exclusively as a church, synagogue, public library, or school unless the applicant for the license has applied with the local governing authority of the parish where the truck stop is located for a certificate of compliance with applicable zoning ordinances and building codes and a statement of approval for the operation of video draw poker devices at a truck stop facility or has applied with the appropriate authority for a building permit prior to January 1, 2008.

By Senate Floor Amendments, the bill now also provides that the subsequent construction, erection, development, or movement of certain properties which causes the truck stop facility to be located within the prohibited distance or within the prohibited distance following the application and granting of that license shall not be cause for the denial of an application or issuance of a new license. Additionally, the bill further provides that no license shall be issued for any truck stop facility to an applicant who has applied with the local governing authority where the truck stop facility is located for a building permit prior to August 1, 2007, and who has described the boundaries of the new truck stop facility within that application, for any truck stop facility located outside the boundaries described in that application if the location of the new truck stop facility is within 2,500 feet of any property that is on the National Historical Registry, any public playground, or a building used exclusively as a church, synagogue, public library, or school.

House Bill 867 by Representative Williams (subject to call-Senate final passage) would have provided that in the event of a merger between a truck stop licensee and a non-licensed entity pursuant to which the licensee is the non-survivor to the merger, the surviving entity would be entitled to a reduction in the processing

fee otherwise required for original applications, provided that all of the following apply:

- (1) The surviving entity to the merger complies with all of the relevant provisions of law and all applicable rules, which provisions require, without limitation, that the surviving entity submit an original application for licensure.
- (2) The merger was between a parent entity and its subsidiary or between subsidiaries of the same parent entity.
- (3) All persons associated with the surviving entity required to be found suitable have previously submitted personal history and personal financial information to the board and were previously found suitable in connection with the license issued to the non-surviving licensee.
- (4) None of the persons referred to in (3) above, the non-surviving licensee, or the surviving entity were, at the time of the merger, being investigated by the division on the basis of facts or information that may result in such person being found unsuitable or disqualified.
- (5) Prior to the merger there was no administrative or enforcement action pending against the non-surviving licensee, the surviving entity, or any of the persons referred to in (3) above.
- (6) The surviving entity, and all persons associated with the surviving entity, required to be found suitable have submitted all other releases, affidavits, documents, or information required by the board or requested by the division.

The reduced processing fee shall be \$1,000 if the applicant for licensure qualifies for the reduction in the processing fee for original applications. If during its investigation of the

original application for licensure filed by the surviving entity to the merger, the division should determine that a suitability investigation is required for any individual, or that the surviving entity has failed to comply with the provisions of present law and all applicable rules, or that the surviving entity has failed to disclose all required information, then the provisions authorizing the reduced fee shall not apply, and the surviving entity as an applicant for licensure shall be required to pay the processing fee of \$10,000. The provisions of proposed law shall not be construed to limit the ability of the state police or gaming board to investigate the suitability or qualifications of a person if there is a need and authorizes the adoption of rules by the Louisiana Gaming Control Board in accordance with the Administrative Procedure Act. The bill further repeals provisions of law providing for an exemption from processing fees when a person licensed for the operation of video draw poker devices files an application for a transfer of ownership among subsidiaries or a parent corporation or its subsidiaries if the Louisiana Gaming Control Board determines certain conditions apply.

CHARITABLE GAMING

Senate Bill 224 by Senator Michot (involuntarily deferred in House Committee) would have prohibited electronic video bingo machines from containing entertainment display features simulating slot reels or card games, but would have allowed any other animated display. The bill also would have provided for exceptions concerning the operation of electronic video bingo machines by allowing the following persons to continue to operate the machines with features simulating slot reels and card games:

- (1) A person licensed as a distributor who has approved permit stamps for electronic video bingo machines as of the effective date of proposed law; or
- (2) A person licensed as a distributor who has a current agreement approved by the Office

of Charitable Gaming with a licensed manufacturer prior to 6/1/07, or has purchased electronic video bingo machines that are designated for a location for which the application has been made for a commercial or non-commercial lessor's licence prior to 8/15/07.

- (3) The subsequent operation of these electronic video bingo machines purchased for a location for which application was made for a commercial or non-commercial lessor's license prior to 8/15/07, will be allowed to operate at any commercial or non-commercial lessor/hall locations whether applications for such licenses or locations were submitted before or after 8/15/07.
- (4) Limits commercial lessor's licenses issued after 8/15/07 to parishes that allow video draw poker devices.
- (5) Notwithstanding any other Charitable Raffle, Bingo and Keno Law to the contrary, any electronic video bingo machine license issued shall be renewable and any commercial or non-commercial lessor or distributor license, or commercial or non-commercial hall location to which a license has been issued may be sold after the effective date of proposed law even if such sale requires the issuance of a new commercial or non-commercial lessor or distributorship license.
- (6) Any electronic video bingo machine with features simulating slot reels and card games which was owned prior to 8/15/07, purchased prior to 8/15/07, or for which the distributor has an approved agreement executed prior to 6/01/07, for a location for which application was made for a commercial lessor's license prior to 8/15/07, and which is destroyed or rendered inoperable in any manner may be

replaced by another such machine even if such replacement machine was purchased after 8/15/07.

House Bill 918 by Representative Martiny (subject to call-House final passage)

would have levied a 15% license tax on the gross proceeds of an electronic bingo machine less the value of prizes paid to winners. The revenues received by the office of charitable gaming would have been distributed as follows:

- (1) All revenues received by the office shall be forwarded by the office to the state treasurer for immediate deposit in the state treasury.
- (2) An amount shall be allocated annually to the Department of Revenue, office of charitable gaming, and to the Department of Justice, pursuant to legislative appropriation to provide for the administration, enforcement, audit, and compliance with the provisions of the Charitable Raffles, Bingo and Keno Licensing Law.
- (3) An amount shall be allocated annually to the Department of Revenue, office of charitable gaming, to defray the costs to the state of acquiring, implementing, and maintaining the central computer system provided by proposed law. The amount allocated each fiscal year shall be equal to the projected cost of administering the system for that fiscal year.
- (4) Any revenues not required to meet the purposes provided in (2) and (3) shall be credited to and deposited in the state general fund as they become available.

The bill would have further provided for the linking by telecommunication of all electronic bingo machines to a central computer system for purposes of monitoring and reading device

activities. The central computer system would have been required to be designed and operated to allow the monitoring and reading of electronic bingo machines licensed for the purposes of maintaining the security and integrity of the devices and the integrity of the information reported to the system so that the fiscal responsibility of the licensees with regard to their obligations to the state would be ensured. The central computer system was to be located within and administered by the Department of Revenue, office of charitable gaming, and the office would have been required to adopt rules to implement these provisions in accordance with the Administrative Procedure Act.

Health & Hospitals

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HEALTH CARE REDESIGN

After the hurricanes of 2005 devastated the health care infrastructure in Louisiana, the evaluation and redesign of Louisiana's health care system has been a priority. During the 2006 Regular Legislative Session, the Health Care Redesign Collaborative was created for the purpose of advising the Department of Health and Hospitals in the development and implementation of an evidence-based, quality driven health care system for Louisiana. Many of the ideas discussed in the Governor's Health Care Reform Panel and the Louisiana Health Care Redesign Collaborative were used in the development of the health care reform legislation that was introduced during the 2007 Regular Legislative Session.

The goal of **Senate Bill 1 by Senator McPherson (Act 243)** is to provide evidence-based, quality driven health care services that are affordable and sustainable to the Medicaid eligible and low income uninsured populations. The Health Care Reform Act of 2007 creates a new model for the delivery of health care, utilizes health information technology, and establishes quality measures.

Louisiana Health First consists of a medical home system of care which provides patient-centered, quality-driven, integrated, and accessible health care services. The medical home system of care may consist of public, private, or public and private providers, including primary and preventive care, speciality services, and hospital care.

Health information technology (HIT) is the second major component of the Health Care Reform Act of 2007. HIT will promote evidence-based clinical practices, interconnect

clinicians, personalize health care, and increase patient safety.

The final component of the Health Care Reform Act of 2007 is quality assurance. In **Senate Concurrent Resolution 35 by Senator McPherson (Filed with Secretary of State) and House Concurrent Resolution 75 by Representative Durand (Filed with Secretary of State)** the Department of Health and Hospitals is requested to engage with public and private organizations to establish the Louisiana Health Care Quality Forum. The Health Care Quality Forum will utilize best medical practices to develop protocols to guide provision of care in the medical home model producing the most efficient and effective health care delivery system possible.

One major component of the Louisiana Health Care Redesign Collaborative was the development of an insurance connector. **Senate Bill 307 by Senator Cassidy (Assigned to Senate Health and Welfare)** would have created the Louisiana Health Insurance Exchange. The exchange would have served as a state clearinghouse to coordinate and facilitate the recognition, identification, and classification of individuals, persons, and insurers having a common interest in establishing affordable health insurance reform.

Senate Concurrent Resolution 118 by Senator McPherson (Subject to call-Senate Referral) would have created the Louisiana Health Information Task Force. This task force would have studied HIT and made recommendations on HIT to the legislature, the governor, and the Department of Health and Hospitals.

House Bill 964 by Representative Kenney (Act 359) provides for the confidentiality of certain records of non-profit health care quality improvement corporations. This is companion legislation to the Louisiana Health Care Quality Forum resolutions (**Senate Concurrent Resolution 35 by Senator McPherson and House Concurrent Resolution 75 by Representative Durand**) that will seek to ensure provider participation and the confidentiality of certain records.

House Bill 542 by Representative Walker (Act 407) creates the Louisiana Children and Youth Health Insurance Program. This program is an expansion of Louisiana Children's Health Insurance Program (LaCHIP) and will insure children whose parent's income is between two hundred and three hundred percent of the federal poverty level.

HEALTH CARE WORKFORCE

Senate Concurrent Resolution 88 by Senator McPherson (Filed with Secretary of State) requests the Louisiana Interagency Task Force on the Future of Family Medicine to work with Department of Health and Hospitals to develop evidence-based strategies to increase the primary care medical workforce in Louisiana and expand the surveillance of the state's family medicine, primary care, and rural health workforce and medical education programs.

House Bill 246 by Representative McDonald (Act 293) creates a pilot program within the Department of Health and Hospitals for the certification of medication attendants. This pilot program is restricted to licensed nursing homes and terminates on August 1, 2011. Certified medication attendants will work under the supervision of a licensed nurse to deliver and administer

certain medications to residents of the nursing home.

NURSING HOMES AND HEALTH CARE FACILITIES

Legislation regarding the civil money penalties assessed against nursing homes and other health care facilities was introduced this session. **Senate Bill 82 by Senator McPherson (Pending in conference committee)** would have increased the civil money penalties for nursing homes and other health care facilities. This bill would have also addressed the nursing home moratorium on replacement facilities and extended the facility need review approval until 2010 for certain licensed nursing homes or intermediate care facilities for people with developmental disabilities.

Several bills were introduced this session to exempt certain nursing facilities from the moratorium on replacement facilities and the licensing of new beds. The majority of the bills introduced were narrowly crafted to only affect specific facilities. In addition, legislation was introduced to establish a moratorium on the licensing of hospice facilities. Examples of such legislation include the following:

Senate Bill 74 by Senator Dupre (Act 165) exempts certain nursing facilities from the replacement facility moratorium in Lafourche Parish so long as certain conditions are met.

Senate Bill 97 by Senator Schedler (Act 253) permits licensure of a limited number of additional nursing beds in certain existing nursing facilities.

Senate Bill 181 by Senator Nevers (Act 378) exempts Washington Parish from the moratorium on any additional nursing

facilities or additional beds in nursing facilities.

House Bill 518 by Representative Daniel (Assigned to Senate Health and Welfare) would have repealed the moratorium on the replacement of existing nursing facilities.

House Bill 632 by Representative Strain (Act 444) imposes a moratorium on hospice facilities for a period of eighteen months.

SCOPE OF PRACTICE

In the past five regular legislative sessions, more than seventy-five bills and resolutions were introduced that addressed the scope of practice of various medical and health care disciplines. During this legislative session, the Senate Committee on Health and Welfare debated instruments that proposed changes to the scope of practice for the following professions: respiratory therapists, dentists, social workers, podiatrist, optometrist, and registered professional nurses. Since the scope of practice for any profession in the medical industry should be carefully studied and debated, **Senate Concurrence Resolution 109 by Senator Schedler (Filed with Secretary of State)** requests the committees on health and welfare of the Senate and House of Representatives to study the feasibility of creating a scope of practice council to advise the legislature regarding various medical and health care disciplines.

WOMEN'S HEALTH

In 1997, the Louisiana Legislature enacted legislation making the performance of a partial birth abortion a crime. However, in 1999 the Federal District Court for the Eastern District of Louisiana declared the law unconstitutional in *Causeway Medical Suite v.*

Foster, 43 F. Supp. 2d 604 (E.D. La., 1999), affirmed 221 F3d 811.

In 2003, President George W. Bush signed into law the Partial Birth Abortion Act of 2003. The Partial Birth Abortion Act of 2003 criminalizes the performance of a partial birth abortion. This act was challenged and declared unconstitutional in the United States Courts of Appeals for the Eighth Circuit and the Ninth Circuit. These courts enjoined the United States Attorney General from enforcing the Partial Birth Abortion Act. The United States Supreme Court reviewed the decisions to determine the constitutionality of the Partial Birth Abortion Act, and on April 18, 2007, the United States Supreme Court, in a 5-4 decision, upheld the constitutionality of the act.

Since the United States Supreme Court's opinion was published, two legislative instruments were filed to create the crime of partial birth abortion similar to the federal partial birth abortion ban.

Senate Bill 161 by Senator Nevers (Act 437) and House Bill 614 by Representative Beard (Act 477) prohibit the performance of a partial birth abortion. Both bills criminalize the performance of a partial birth abortion, but the bills differ with regard to civil actions and penalties. While **House Bill 614** mimics the civil provisions of the Partial Birth Abortion Act of 2003, **Senate Bill 161** specifies a wrongful death claim.

For the second consecutive year, legislation was filed relative to the Woman's Right to Know. **House Bill 25 by Representative Crowe (Act 282)** requires that, at least twenty four hours before an abortion, the physician who performs the abortion shall inform the woman about the availability of anesthesia to alleviate or eliminate organic pain to the unborn child and

about the option of reviewing and receiving an explanation of an obstetric ultrasound image of the unborn child.

Homeland Security/Military Affairs

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HOMELAND SECURITY

Sheltering Of Sex Offenders During Declared Emergencies. In the aftermath of Hurricanes Katrina and Rita in 2005, the issue of housing registered sex offenders was raised by concerned local officials and law enforcement. Current law requires that the state plan on shelter of sex offenders provides that the state shall shelter such offenders, if possible, in an alternate shelter, separate and apart from the general population of evacuees. **House Bill 120 by Representative McVea (assigned to Senate Finance)** would have prohibited the Governor's Office of Homeland Security and Emergency Preparedness, or their designee, from establishing in any parish a separate shelter for housing sexual offenders unless the governing authority of that parish has approved an ordinance authorizing the establishment of such separate shelters for sexual offenders and state funding has been made available to the local governing authority for such separate shelters. The measure had traversed the house and the Senate Committee on Judiciary B by the last week of the session. It died in the Senate Committee on Finance after being declared a dual referral due to fiscal impact.

Similar legislation, **House Bill 740 by Representative Dorsey (assigned to House Judiciary)**, would have prohibited the Governor's Office of Homeland Security and Emergency Preparedness from locating an alternate shelter for registered sexual offenders within a six-mile radius of a day care facility. The bill died when it was

bottled up in the House Committee on Judiciary as the session reached final adjournment.

The Federal Real ID Act of 2005. The United States Congress passed legislation in 2005 that requires states to verify and reissue and estimated 245 million driver's licenses and identification cards in order to keep those forms of identification out of the hands of terrorists and make it tougher for illegal immigrants to get state-issued identification. State officials across the country have expressed grave concerns that the Act will impose inconveniences and higher taxes on their citizens. If a state does not comply with the Act's standards, license holder in that state will not be able to board airplanes or enter federal buildings. **House Concurrent Resolution 20 by Representative Bowler (assigned to the Senate)** asked national lawmakers to repeal the Act. The new federal law was scheduled to take effect May 11, 2008. That provision's effective date has presently been delayed until December 31, 2009. Twenty other state legislatures are currently considering bills protesting or threatening not to comply with the Act. The bill died on the Senate Calendar when the 2007 Regular Session of the Legislature adjourned Sine Die.

Emergency Preparedness. Louisiana presently has some twenty parishes that have no full-time emergency preparedness directors and three parishes have no one operating in that role. **Senate Bill 63 by Senator Barham (assigned to Senate Finance)** proposed that the legislature appropriate 60,000 dollars for each parish to hire

a full-time emergency preparedness director. If a parish already has such a director, the funds would be used to enhance emergency preparedness operations in that parish. The bill was heard by the Senate Committee on Judiciary B and approved without opposition. However, because the fiscal note on the measure exceeded 500,000 dollars, it was assigned to the Senate Committee on Finance. It was heard by that committee and deferred voluntarily by the author until questions regarding funding could be answered by officials in the Blanco Administration. The bill died on the finance committee's agenda as the 2007 Regular Session of the Legislature reached final adjournment.

Telecommunications. One of the more daunting issues of the 2007 Regular Session of the Legislature was an attempt to establish a governance structure for planning, implementing, and maintaining a Statewide Communications Interoperability Plan. **Senate Bill 274 by Senator Boasso (assigned to Senate Commerce)** would have created the office of interoperability within the office of homeland security and emergency preparedness. The director of the office would oversee, direct, and manage public safety and first responders interoperability programs and efforts and report to the director of the governor's office of homeland security and emergency preparedness. It has been widely acknowledged nationwide that one of the biggest failures resulting from the terrorists attacks of September 11, 2001, and disasters such as Hurricane Katrina has been the communications breakdown following the emergency event. This ambitious initiative would comprehensively address communication issues at the federal, state and local levels. However, the number of disparate stakeholders in the plan at the state, parish and municipal levels increased the difficulty of reaching consensus on the plan. The author of the proposal and Blanco administration officials were unable to agree on key aspects of the bill and it died in the Senate Committee on Commerce, Consumer Protection and International Affairs.

Investments in Terrorist Nations. Louisiana appears to be a leader when it comes to banning investment of state retirement systems funds in companies having facilities or employees in nations determined to have terrorist ties. **(Act 352) House Bill 864 by Representative Schneider** requires any public retirement system having investments in international markets to join a "terror-free index fund" which would identify and prohibit such fund holdings in companies with prohibited nations. Libya would be removed from the list of prohibited nations due to its friendly changes in foreign policy. The definition of "prohibited nations" would include nations such as Iran, North Korea, Sudan and Syria. The bill received final senate approval as the session entered the final week and was ultimately signed by the governor.

MILITARY AFFAIRS

Benefits for Guardsmen. Another important area where Louisiana leads many other states is a proposal that the state provide an insurance allowance to its national guard members. **(Act 260) Senate Bill 158 by Senator Marionneaux** will allow the benefit. Under the measure, Louisiana will provide 250,000 dollars in death benefits and 100,000 dollars in total, permanent, disability benefits to all officers and members of the Louisiana National Guard as long as they are in the service of the state of Louisiana in the course of the business of the military forces of this state. These benefits would be in addition to any federal insurance benefits paid. The benefits would also be provided, by the state, should the president or the governor activate Louisiana National Guard members and would be in effect for all members located out of the state or country or going to or coming from such duty. A current prohibition on such state compensation for injury or death occurring while in the service of the United States of America or while going to or returning from such service would be repealed. The bill was approved by the House on final passage as the session moved into its final days and signed into law by Governor Blanco.

Military Law. **(Act 309) House Bill 441 by Representative LaFleur** is a comprehensive set of changes to the laws currently relating to the administration of the Military Department. The new law clarifies that the governor may, with or without a declaration of emergency, order any part of the Louisiana National Guard, State Guard, or militia into active service for various missions. The measure also provides that the military forces of the state may be called into service to assist civil authorities in Louisiana or to provide support to other states under an Emergency Management Assistance Compact. The Military Department may also establish and maintain the Louisiana Military Police for the purpose of conducting law enforcement functions related to and in connection with their duties in the active Louisiana National Guard. If the active military police or security police of the guard are activated by the governor in support of civilian authorities, the adjutant general may commission such active members of the guard as Louisiana Military Police. Other technical changes provide that when any person is arrested subject to the Louisiana Code of Military Justice, that person shall be provided details of the charges against them within twenty-four hours of their arrest and shall also be appointed a military defense counsel. The bill was amended in the Senate and those changes concurred in by the House. The bill was then signed into law by the governor.

Military Funerals. **Senate Bill 170 by Senator Nevers (assigned to Senate Judiciary B)** was an attempt to provide increased military honors available to eligible veterans. The bill would have created honor guard details from members of the Louisiana National Guard, the Air National Guard, the Louisiana State Guard, state military police forces, or the volunteer Reserve Officers Training Corps units at state universities and college to attend the funerals of eligible veterans and render appropriate military burial services. The proposal would have provided for per diem for honor guard members, as well as training, equipment, uniforms and other military

requirements for such services. The bill was assigned to the Senate Committee on Judiciary B and died there when the session ended.

Legislative Honors for Fallen Soldiers. More than two dozen condolence resolutions to the families of troops killed in Iraq and Afghanistan were authored by **Senator Marionneaux, Senate Bill 41 (enrolled)** and a Military Day For Families of Fallen Soldiers was held in the Senate Chamber June 5, 2007, with a number of those families being present and participating in an honors ceremony that was so quiet and respectful a pin drop could be heard and weeping was the most common sound in the upper chamber.

Human Resources

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GRADUATED STATE MINIMUM WAGE

House Bill 119 by Representative Hunter (Failed House final passage) would create a graduated state minimum wage law. The law would apply to all employers in Louisiana and would require them to pay:

- \$6.15 per hour beginning October 1, 2007
- \$6.50 per hour beginning January 1, 2008
- \$6.85 per hour beginning April 1, 2008; and
- \$7.15 per hour beginning July 1, 2008

The proposed law also states that if the Fair Labor Standards Act (FLSA) mandates a higher minimum wage than the applicable state minimum wage at any time, the higher FLSA minimum wage rate will apply.

LOST WAGES FOR DOMESTIC VIOLENCE VICTIMS

House Bill 963 by Representative Marchand (Act 421) proposes a new law to provide lost wages to victims of domestic violence who lose their jobs because of abuse. The proposed law would allow employees to receive lost wage benefits under Louisiana's Domestic Violence Victims Program when they are "unable to continue employment resulting from domestic abuse" for one of the following reasons:

- a reasonable fear of future domestic abuse at work or traveling to and from their place of employment;
- a need to relocate to another geographic area to avoid future domestic abuse;
- a need to address the physical, emotional, psychological, or legal impacts of domestic abuse; or

- a belief that separation from employment is necessary for their own or their family's safety.

An employee would be able to obtain unemployment benefits upon providing specific proof of one of those reasons, including (1) a protective, restraining, or other court order against the perpetrator, (2) a law enforcement record documenting the domestic abuse against the employee or a member of her family, (3) documentation that the abuser has been convicted of a criminal offense perpetrated against the employee or a member of her family, (4) medical documentation of the abuse by a licensed health care professional, or (5) a notarized affidavit from a professional such as a certified domestic violence specialist, psychiatrist, or counselor.

The proposed law currently provides that the unemployment benefits paid to victims of domestic violence won't be charged to their employers' accounts but will be paid from the state's general fund.

TAX BREAK FOR CERTAIN SMALL EMPLOYERS

House Bill 161 by Representative Smith (Assigned to House Ways and Means) would provide a credit against Louisiana income taxes and the corporate franchise tax for medical, dental, disability, and life insurance premiums paid directly by employers for the benefit of their employees. The tax credit for any one taxable period is capped at 50 percent of the insurance premiums paid by an employer on behalf of its employees during the period. The proposed law would apply only to employers that employ 25 or fewer workers and would begin with the first taxable period following December 31, 2006.

EQUAL PAY FOR WOMEN

House Bill 158 by Representative Hunter (Failed House final passage) would specifically ban pay discrimination on the basis of gender. The proposed law would apply to all employers in Louisiana, regardless of how many employees you have.

The proposed law would prohibit discrimination against "an employee on the basis of sex by paying wages to an employee at a rate less than that of another employee for the same or substantially similar work on jobs in which their performance requires skill, effort, education, and responsibility and which are performed under similar working conditions including time worked in the position." Although the proposal is called the "Louisiana Equal Pay for Women Act," it appears to prohibit all pay discrimination against employees based on gender, so men presumably would be protected as well.

Like the federal Equal Pay Act, the proposed law would expressly permit pay difference based on legitimate business factors unrelated to gender, including a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or other similar factors. To justify a pay difference based on one of those factors, however, you would be required to show that it is "job-related with respect to the position in question" or that "it furthers a legitimate business purpose."

MEDICAL STAFFING AGENCIES

Senate Bill 303 by Senator Nick Gautreaux (Act 34) imposes new regulation of medical staffing agencies in the state by the Louisiana Department of Health and Hospitals (DHH). The proposed law would prohibit establishing, operating, or reimbursing for services any medical staffing agency defined in the law unless it's registered with DHH.

The proposed law defines "medical staffing agency" as "any agency, institution, society,

corporation, person or persons, or any other group that provides, for profit, the services of nurses or certified nursing assistants to a hospital, nursing home, hospice, physician group, or other health care provider." A registration would apply only in one geographic location, could be issued only for the agency and premises named in the application, and would expire on the last day of the 12th month after its issuance unless it's renewed according to rules to be enacted by DHH.

Additionally, certain verifications would be required. For instance, any medical staffing agency employing a certified nursing assistant would be required before hiring her to verify that she is listed on the Louisiana Nurse's Aide Registry. The agency would also be required to perform or have performed a criminal background check on any certified nursing assistant or nurse before hiring her. Violations would be punishable by a maximum \$500 penalty for each day of violation.

Information Technology

by: Gary Schaefer
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ANIMALS

Senate Bill 246 by Senator Cain (Pending Senate Agriculture Committee) would have prohibited the state from accepting federal funds for the purpose of participating in any national animal identification and tracking system. It would have defined tagging as the means of implementing a computer chip, global positioning device, or the insertion of a particular card or tag into an animal's ear or body where the use of such chip, device, card, or tag was for the purpose of identifying or tracking the animal.

APPROPRIATIONS

House Bill 1 by Representative Alario (Act 18) provides appropriations for:

Louisiana Optical Network Initiative—an initiative of U.S. research universities and private-sector technology companies to provide a nationwide infrastructure in networking technologies and applications—\$5,100,000.

Governor's Biotechnology Initiative—an initiative to provide research dollars for biotechnology projects (e.g., neurobiotechnology activities)—\$3,800,000.

Governor's Information Technology Initiative—an initiative to conduct research and develop new technologies to advance information technology—\$23,200,000, and \$3,200,000 for Louisiana Immersive Technologies Enterprise (LITE).

Gene Therapy Research Consortium—a partnership between the LSU Health Sciences Center in New Orleans and the Tulane University Health Sciences Center in New Orleans to conduct research and operate a clinical manufacturing facility for producing gene and cell therapies for human clinical trials—\$4,000,000. (\$3,100,000 from the

Board of Regents for research and \$900,000 from DED for operation of the facility.)

Life Science Incubators—operating expenses for the Life Science Incubators in Baton Rouge, New Orleans, and Shreveport—\$3,786,020.

Consortium for Education, Research, & Technology of North Louisiana—\$100,000.

Louisiana Technology Park—a nonprofit, public-private organization that serves as a high-tech incubator—\$2,773,791.

Louisiana Post Secondary Education Secure Campus Program—to enhance campus security programs statewide relative to emergency events to include a focus on campus communication, training, prevention and mitigation of emergencies—\$2,500,000.

Security Technology—to provide for technology for the identification of potential threats, including terrorist acts, criminal activity or other potentially hazardous situations—\$1,500,000.

Louisiana Community and Technical Colleges System—Technology infrastructure conversion upgrades—\$15,000,000.

Department of Education's Classroom Technology Program—This program includes the Louisiana Virtual School and Title 3 Technology Challenge activities, which are designed to increase the use of technology and computers in Louisiana public school systems (K-12) —\$5,000,000 to provide laptop computers to sixth-grade students. In addition, the Louisiana Virtual School is budgeted at \$419,994. The Louisiana Virtual School provides instructional services to public high schools throughout the state where such instruction

would not otherwise be available due to a lack of funding and/or qualified instructors to teach the courses. Act 203 (Supplemental Appropriation Bill for FYE 2007) includes \$25,000,000 for K-12 classroom-based technology acquisitions statewide, with 15% of this amount allocated to non-public schools. The Act also includes technology infrastructure projects for the University of Louisiana System—infrastructure conversion upgrades at Grambling State University, Louisiana Tech University, Nicholls State University, University of Louisiana at Monroe, and Northwestern State University—\$5,200,000.

House Bill 266 by Representative Morrish (Pending Senate Finance Committee) would have provided a procedure for submission and review of information related to proposed amendments to the General Appropriation Bill for the funding of entities, which were neither budget units nor political subdivisions of the state. The information submitted would have been published electronically by the secretary and clerk of the respective chambers of the legislature, and would have been made available to the public via the Internet. The secretary and the clerk were to maintain the information required to be submitted in an on-line searchable database available to the public via the Internet.

BUILDING CODES

House Bill 486 by Representative Fannin (Pending Senate Commerce Committee) would have provided for the means of enforcement of the International Residential Code and various other changes to the State Uniform Construction Code. It would have required the Louisiana State Uniform Construction Code Council to publish on its website a listing of all third-party providers practicing in the state who were issued a certificate of registration by the council and such listing would have been included the specialty classifications for which the third-party providers were certified.

CONTRACTS

House Bill 360 by Representative Townsend (Act 435) authorizes public postsecondary institutions of higher education to enter into contracts with providers of credit cards, debit cards, or similar payment devices to be accepted for payment of state charges. Contracts may be made with financial providers, third-party processors, or providers for Internet service and other similar use and payment acceptance with respect to such cards or devices.

COURTS

House Bill 13 by Representative McDonald (Pending House Judiciary Committee) would have authorized a \$5 technology fee be imposed as additional court costs to be used for computer equipment and program technology for the police department of the town of Sterlington.

House Bill 242 by Representative Damico (Failed House Final Passage) would have authorized a clerk of court, as ex officio recorder, the Orleans Parish register of conveyances, or the Orleans Parish recorder of mortgages to adopt and implement a published plan, which would have provided for the acceptance of an electronic record of any recordable written instrument (except but not limited to) original maps, plats, property descriptions or photographs. It would have provided that a recorder may, but was not required to, adopt a written contract between the clerk of court, the Orleans Parish register of conveyances, or the Orleans Parish recorder and the filer, which complied with the Louisiana Uniform Electronic Transactions Act. It would have repealed the requirement to file the written instrument from which the electronic record was taken within ten days of electronic filing.

CRIME

House Bill 184 by Representative Martiny (Act 73) creates the crime of theft of utility property valued in excess of \$100, defines utility property to include Internet service, and provides for fines or imprisonment with or without hard labor.

CRIMINAL PROCEDURE

Senate Bill 261 by Senator Quinn (Act 132) requires communication providers, landlords, etc. to assist law enforcement with the installation of pen registers or trap and trace devices, and with wire tapping when requested by law enforcement.

House Bill 137 by Representative St. Germain (Act 71) provides for the sale of seized property, provides that Internet computer auctions are considered public sales, and provides the seizing agency or a district attorney is expressly authorized to sell the property through the use of electronic technology, including an Internet website that facilitate such sales.

House Bill 243 by Representative Damico (Act 29) authorizes the clerk of court of the 24th JDC (Jefferson Parish) to place his signature by electronic means on all subpoenas issued for the compulsory attendance of witnesses at hearings or trials.

ELECTIONS/BALLOTS

House Bill 894 by Representative Harris (Pending House Appropriations Committee) would have allowed for casting of a vote by paper ballot when a voting machine had malfunctioned or commissioners were absent from the polling place.

House Concurrent Resolution 64 by Representative Gray (Subject to Call Senate Final Passage) would have requested the secretary of state to study the impact of voting on electronic voting machines that malfunctioned and the feasibility of using backup paper ballots at polls on election day.

ETHICS

Senate Bill 247 by Senator Michot (Pending Senate Governmental Affairs Committee) would have required the Ethics Board to create a Web-based training program related to ethics, campaign finance, and lobbying laws.

House Bill 493 by Representative Barrow (Act 315) requires the Board of Ethics to design and make available, via the Internet, training and educational materials pertaining to the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the provisions of law relative to lobbying of the legislature, and the provisions of law relative to lobbying of executive branch agencies. It further requires that the board shall publish, both in hard copy format and via the Internet, all public charges, opinions, letters of advice, and decisions of the Board of Ethics and its predecessors, the Board of Ethics for Elected Officials and the Commission on Ethics for Public Employees, concerning all of the laws under the jurisdiction of the board. In addition, the Board of Ethics shall compile and publish, both in hard copy format and via the Internet, an index referencing each such charge, opinion, letter of advice, and decision of the Board of Ethics and its predecessors, the Board of Ethics for Elected Officials and the Commission on Ethics for Public Employees to the specific citation or citations of law on which the charge, opinion, letter of advice, or decision is based.

House Bill 863 by Representative Schneider (Pending House and Governmental Affairs Committee) would have required the Board of Ethics to design and make available, via the Internet, training and educational materials pertaining to the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the provisions of law relative to lobbying of the legislature, and the provisions of law relative to lobbying of executive branch agencies.

FUNDS/FUNDING

Senate Bill 238 by Senator McPherson (Act 172) creates the Health Care Redesign Fund. It provides that monies in the fund will be used for various initiatives including the use and development of a health information technology system and database as it relates to improving the quality, efficiency, cost, and safety of health care of Louisiana residents, including but not limited to implementation of a national Health Information Technology/Health Information Exchange standards.

House Bill 500 by Representative Crowe (Pending House Administration and Criminal Justice Committee) would have required individuals required to be registered as sex offenders to, as a condition of probation, pay a monthly fee of not less than \$5.50 per month to be deposited in the Sex Offender Registry Technology Fund. It would have changed the distribution of monies in the Sex Offender Registry Technology Fund between the attorney general and participating parish sheriffs for a computer system designed to monitor and track convicted sex offenders, sexually violent predators, and child predators.

House Bill 672 by Representative Gray (Pending House Appropriations Committee) would have established the Technology Commercialization Fund for support of a competitive grant program related to the commercialization of technologies developed at Louisiana institutions of higher education and academic research centers.

HEALTH/HOSPITALS

Senate Bill 1 by Senator McPherson (Act 243) creates a health care delivery system that provides a continuum of evidence-based, quality driven health care services to Medicaid recipients and low-income uninsured citizens. It defines health information technology as information technology used in health care, including but not limited to electronic health records/electronic

medical records, computerized physician order entry, health information exchanges, telemedicine, and other relevant information technology deemed appropriate by the secretary of the Department of Insurance.

INSURANCE/PROPERTY

House Bill 416 by Representative Smiley (Involuntarily Deferred in House Insurance Committee) would have required the global positioning system (GPS) to be used to determine the location of residential property within a public fire protection area for purposes of fire insurance rates.

INTERNET

Senate Concurrent Resolution 18 by Senator Marionneaux (Pending Senate Governmental Affairs Committee) would have required, by joint rule, that all legislative floor proceedings and committee meetings were to be broadcast live via the Internet, and were to be maintained for at least three years, archived, and made available for free download.

Senate Concurrent Resolution 20 by Senator Adley (Adopted) requests the governing authority of each parish to post its official journals and announcements, and meeting dates, times and places on its website, if the governing authority has a website.

House Concurrent Resolution 1 by Representative Crowe (Subject to Call House Final Passage) would have required legislative proceedings and committee meeting to be broadcast live via the Internet and were to be maintained for at least three years.

House Bill 345 by Representative Badon (Act 89) authorizes the secretary of the Department of Labor to require electronic filings of contribution and wage reports under certain circumstances. It provides that the electronic filing requirements are implemented through administrative rule, provides for a waiver, and

provides for employer notification of contribution rates.

LOBBYING

Senate Bill 163 by Senator Amedee (Pending Senate Governmental Affairs Committee) would have required each lobbyist to register electronically as soon as possible after employment as a lobbyist and prior to his first action as a lobbyist with the Ethics Board. The lobbyist could have submitted his photograph electronically or by mail prior to any lobbying activity. The lobbyist was to submit a list of potential subject matters to be addressed and a list of the type of work to be performed. Forms were to be published electronically and were to be made available on the board's website. It further provided that expenditure reports were to be filed in the office of the Ethics Board semiannually on forms provided by the board and would have provided for electronic filing of the reports.

MOTOR VEHICLES

House Bill 398 by Representative Greene (Act 45) allows the driver of a motor vehicle to utilize technology that provides a visual display of the front of the motor vehicle.

PHARMACISTS

House Bill 523 by Representative Thompson (Act 318) prohibits pharmacists from dispensing prescription drugs based solely on the results of an electronic questionnaire. It provides that a prescription issued solely on the results of an election questionnaire is issued outside of the physician-patient relationship and is not a valid prescription.

PROCUREMENT

House Bill 409 by Representative Cazayoux (Act 302) exempts contracts between co-owners of intellectual property from the state procurement code when one of the co-owners is an accredited Louisiana college or university.

SEX OFFENSE REGISTRY

House Bill 504 by Representative Cazayoux (Reported by Substitute, Became House Bill 970) would have provided for the comprehensive revision of the sex offender registration and notification provisions, would have provided that sex offenders and child predators register with designated law enforcement agencies, and would have provided that within ten days prior to be release by the Department of Public Safety and Corrections from a state correctional facility, the offender was to provide a photograph along with other personal information to the office of state police to be posted on the state sex offender and child predator registry website.

House Bill 970 by Representative Cazayoux (Act 460) provides for a comprehensive revision of the sex offender registration and notification provisions, incorporating the requirements of the federal Adam Walsh Child Protection and Safety Act of 2006 - (See link for text

<http://www.govtrack.us/congress/billtext.xpd?bill=h109-4472>).

It requires the Louisiana Bureau of Criminal Identification and Information to develop a central registry known as the State Sex Offender and Child Predator Registry. The registry shall contain personal information of the offender, including e-mail addresses, on-line screen names, or other on-line identities used by offenders to communicate on the Internet. It requires the bureau to maintain the registry and to provide for automatic e-mail notifications concerning offender residence.

House Concurrent Resolution 40 by Representative Crowe (Adopted) urges and requests local law enforcement agencies to consider collecting information regarding e-mail addresses, user names, and instant messaging screen names for sex offenders and child predators. Urges and requests that all judges when imposing a sentence on such offenders, as a condition of any

sentence and probation, order that the defendant provide all such information to his probation officer which shall be made available to law enforcement.

TAX CREDITS

House Bill 408 by Representative Cazayoux (Act 401) reestablishes the Technology Commercialization Credit and Jobs Programs as a program for providing a refundable tax credit against Louisiana income or corporation franchise taxes for those who invest in fees and costs related to obtaining the rights to use or the use of technology and invest, by lease or purchase, in machinery and equipment used in the commercialization of a product or intellectual property owned, or research sponsored by a regionally accredited college, technical school, or university located in Louisiana or any product or intellectual property to which significant development or enhancement occurred in Louisiana. It defines "technology" to mean the product or intellectual property owned or research sponsored by a regionally accredited college, technical school or university located in Louisiana or any product or intellectual property to which significant development or enhancement occurred in Louisiana.

House Bill 921 by Representative LaBruzzo (Pending House Ways and Means Committee) would have provided a tax credit for the purchase of computer equipment for physician offices in medically under-served areas.

TAX INCOME/CORPORATE

Senate Bill 38 by Senator Michot (Pending Senate Revenue and Fiscal Affairs Committee) would have authorized a "qualified high technology business" to sell unused net operating loss (NOL) carryover occurring in the two taxable years preceding the year in which the sale occurred in an amount equal to at least 75% of the amount of the "surrendered tax benefit," but no more than \$500,000 per year of such benefit. It would have defined surrendered tax benefit to

mean the tax liability of the qualified high technology business, which would have been saved if the net operating loss carryforward could have been used by the qualified high technology business.

TECHNOLOGY

House Concurrent Resolution 41 by Representative St. Germain (Adopted) memorializes Congress to take such actions as are necessary to research and promote Virtual Command Technology to improve police and fire protection. It defines Virtual Command Technology as the remote viewing of a developing emergency, which gives firefighters, EMS professionals, and police officers a virtual presence at the scene.

House Concurrent Resolution 42 by Representative St. Germain (Adopted) requests state and local governments to research and implement Virtual Command Technology to improve emergencies' services. It defines Virtual Command Technology as the remote viewing of a developing emergency, which gives firefighters, EMS professionals, and police officers a virtual presence at the scene.

TELECOMMUNICATIONS

Senate Bill 274 by Senator Boasso (Pending Senate Commerce Committee) would have created the office of interoperability within the office of homeland security and emergency preparedness and would have established a governance structure for developing and implementing a comprehensive statewide communications interoperability plan for a short-term and a long-term statewide interoperability plan for communications and information technology.

House Bill 935 by Representative Gallot (Act 358) conforms the state sales tax on telecommunications to the definitions from the streamlined Sales Tax Agreement.

TRANSPORTATION

Senate Bill 280 by Senator Ellington (Act 386) increases the “contract limit” for DOTD contracts, which are subject to certain advertising and bid requirements from \$250,000 to \$500,000; increases from \$25,000 to \$50,000 contracts for which advertisements are optional, and provides for electronic bidding.

House Bill 339 by Representatives Quezaire (Act 40) authorizes the Department of Transportation and Development to establish a Small Engineering Consultant Program and requires the department to solicit annually participants in the program on the department’s website.

House Bill 778 by Representative Pitre (Act 342) provides for “electronic toll collection,” and “photo-monitoring system” to collect and enforce tolls on the LA 1 Project.

Insurance

by: *Carla Roberts*
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Several bills this year were filed in the House and the Senate to reform the Louisiana Citizens Property Insurance Corporation (La. Citizens), the state's insurance company which provides homeowner and commercial property insurance coverage for owners of Louisiana real estate who either cannot or choose not to get insurance coverage with a private insurance company. The La. Citizens has recently come under fire for not balancing its books, not having financial records which could be audited and paying for services, equipment and furniture for which there is no documentation that any work was performed or that the equipment and furniture was ever delivered to the La. Citizens.

Senate Bill 195 by Senator Cain (vetoed) would have required the treasurer to send out a request for proposal to see if any private insurance company would want to bid on the La. Citizens book of business. The bid would have privatized the company so that the state would no longer be responsible for risk of future claims. The benefit to the people of Louisiana would have been that if a future hurricane of the magnitude of Hurricanes Katrina and Rita, the state policyholders would not be assessed for the future deficits in the company. Because of Hurricanes Katrina and Rita in 2005, the policyholders have been assessed \$1.2 billion. The legislative auditor reports that the amount of deficits could go as high as \$4 billion, since all claims from those hurricanes have not been paid and are pending in the court system.

House Bill 431 by Representative Farrar (Act 403) will change the make up of the Louisiana Citizens Board from its current membership which requires the governor to appoint five members but doesn't require that there be any qualifications for those members. The bill

adds one new member but also requires the members appointed to meet certain qualifications. The appointments would have to include a commercial policyholder of the La. Citizens, a district attorney or an assistant district attorney, a certified public accountant, a homebuilder and a banker. The bill also provides for term limits of all appointed members.

House Bill 472 by Representative Morrish (Act 235) provides a mechanism whereby people are not assessed twice for the deficit in La. Citizens. Under current law, a policyholder that buys insurance from one company is assessed and, if they terminate coverage with that company and buy insurance with a second company in the same year, the person would pay the assessment a second time. This had the affect of "trapping" homeowners and commercial property owners with one company even if they could find cheaper rates with a second company. This bill requires that the policyholder pay the assessment only once in the calendar year.

Senate Bill 93 by Senator Nevers (defeated in the House Committee on Insurance) would have required health insurance companies to cover the treatment of mental illness in the same manner and with the same deductibles and co-payments as those of other physical illnesses.

Senate Bill 223 by Senator Michot (vetoed) would have required that the minimum mandatory insurance coverage on automobiles be increased. Under current law, owners of automobiles must have at least 10/20/10 coverage. That coverage requires that the insured maintain at least \$10,000 worth of liability coverage for bodily injury per person with aggregate coverage of \$20,000 of liability coverage for bodily injury, no

matter how many persons are injured, and \$10,000 of liability coverage for property damage. Senate Bill 223 would have increased that coverage to 25/50/25.



Judiciary

by: Tom Wade
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ORGANIZATION & REORGANIZATION

As in the last regular session, a number of bills filed in the 2007 Regular Session sought to make changes in the organization of the court system in Louisiana. Several bills proposed increases in the number of judges in certain judicial districts. Others created new judicial districts or election districts for certain judgeships.

Senate Bill 36 by Senator Jones (Act 210) and House Bill 121 by Representative Walsworth (Act 64) provides for an increase in the number of judges on the 4th Judicial District Court from nine to eleven. Both bills provide for the new judges to take office January 1, 2009.

House Bill 72 by Representative Carter (Act 3) increases the number of judges on the 21st Judicial District Court from eight to nine and provides that the new division shall have jurisdiction over juvenile matters. It provides that the new judge shall take office January 1, 2009.

House Bill 846 by Representative Bruce (Act 416) carves the 42nd Judicial District out of the 11th Judicial District. The 11th Judicial District, heretofore consisting of both DeSoto and Sabine parish, with three judges and eight assistant district attorneys, will include only Sabine Parish, with only one judge and four assistant district attorneys. The 42nd Judicial District will include only DeSoto Parish and have two judges and four district attorneys. The bill also authorizes any judge in the 42nd Judicial District to employ a law clerk. The transfer of cases to the new district takes place January 1, 2009. The bill provides for the governor to call a special election in both parishes on the

proposition that the 11th Judicial District be split and become two judicial districts with a favorable vote of a majority of those voting thereon in each parish required for the 11th Judicial District to be split and the 42nd Judicial District to be created.

Senate Bill 162 by Senator Shepherd (Act 261) provides for two election districts for the Fifth Circuit Court of Appeal. Under current law, the parishes of Jefferson, St. Charles, St. James, and St. John the Baptist are included in the fifth circuit. The parish of Jefferson composes the first district of the fifth circuit. The parish of St. James and that portion of St. John the Baptist Parish east of the Mississippi River compose the second district of the fifth circuit. The parish of St. Charles and that portion of St. John the Baptist Parish west of the Mississippi River compose the third district of the fifth circuit. The bill divides the first district composed of the parish of Jefferson into two election sections with certain precincts in each section. It provides that the first vacancy created by the death, resignation, retirement, or removal of a judge of the first district occurring after August 15, 2007, shall be filled by election from election section two of the first district and such judgeship shall be assigned to election section two of the first district for election purposes thereafter. The bill further provides that if no election has occurred or is scheduled to occur to fill a vacancy in such a judgeship from election section two prior to the opening of qualifying for the regular statewide elections in 2012, the regular election to fill the judgeship designated as Division G of the first district shall be held in election section two of the first district and such division shall be assigned to election section two for election purposes thereafter.

Another bill somewhat related to this area of organization of the court system would have required the relocation of the supreme court. **Senate**

Bill 125 by Senator Malone (pending Senate Finance) was a proposed constitutional amendment which would have required that after January 1, 2010, the supreme court be located in the state capital city. The bill would have also required the supreme court to review every case in which a district court ruling or judgment was reversed by an appellate court.

FINDING

The cost of funding the state's judiciary has continued to rise over the last several years. For Fiscal Year 2004-2005, this funding totaled \$112,047,619; for Fiscal Year 2005-2006, \$123,093,795; for Fiscal Year 2006-2007, \$127,780,259. **House Bill 931 by Representative Alario (Act 58)** appropriates funds for FY 2007-2008 for the ordinary operating expenses of the judicial branch with total funding of \$138,681,153 from the following sources: \$122,048,046 out of the State General Fund (Direct); \$7,963,107 from statutory dedications out of the Judges' Supplemental Compensation Fund, the Trial Court Case Management Fund, and the Patients' Compensation Fund; and \$8,670,000 through interagency transfers from the Department of Social Services.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows:

- | | | |
|-----|------------------------------------|---------------|
| (1) | Louisiana Supreme Court | \$ 60,226,006 |
| (2) | Courts of Appeal | 38,987,877 |
| (3) | District Courts | 29,386,504 |
| (4) | Criminal Court, Parish of Orleans | 5,089,202 |
| (5) | Juvenile and Family Courts | 2,014,006 |
| (6) | Other Courts (Required by Statute) | 2,391,177 |

- | | | |
|-----|--|-----------------------------|
| (7) | Other Courts (Not Required by Statute) | 586,381 |
| | TOTAL | <u>\$138,681,153</u> |

The bill appropriates an additional \$113,654 out of the State General Fund (Direct) to provide for an increase in the pensions for retired justices and judges of all courts and widows of justices and judges of all courts in the Unfunded Retirement System, subject to legislative authorization.

House Bill 974 by Representative Farrar (Act 422) provides that the actual salary of the supreme court, courts of appeal, and district court judges shall be increased by 4-½%, 4-6/10%, and 4-9/10%, respectively, each year on July 1, 2008, July 1, 2009, and on July 1, 2010, subject to an annual appropriation for such purposes. It further provides that the state-paid actual salary of city court and parish court judges shall be increased by 4-9/10% each year on July 1, 2008, July 1, 2009, and on July 1, 2010, subject to an annual appropriation for such purposes.

RETIREMENT

House Bill 818 by Representative Heaton (Act 348) provides for certain increases in the retirement benefits of justices and judges who did not opt to become LASERS members and their surviving spouses. The bill provides that the retirement benefits payable to any such justice or judge or the surviving spouse of any such justice or judge shall be increased by 4% each year on 7/1/07 and 7/1/08. It also provides for a COLA annually on July 1 of every year thereafter, and that the amount of such COLAs shall be 2%. However, the bill provides that, if the increase in the Consumer Price Index for all Urban Consumers (CPI-U) for the calendar year immediately preceding the COLA is less than 2%, then the COLA shall be a percentage equal to the CPI-U increase for that prior calendar year, if any. It further provides that such percentage shall be applied to the benefit being paid to each recipient on the effective date of the increase.

Juvenile Justice

by: Camille S. Perry
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Senate Bill 187 by Senator Ullo (Act 169) provides that truancy and assessment and service centers encompassing certain parishes shall no longer be operated as "pilot program" sites, but will be operated on a permanent basis by parishes and judicial districts that have demonstrated a willingness to address truancy by providing a physical location in each parish where different groups can work together in a coordinated effort. The bill further requires Louisiana State University, office of social services research and development, to develop and implement a monitoring and evaluation program for truancy and assessment and service centers on a permanent basis if funds are available for such purpose. The report of the statistical data indicating the effectiveness of the program is required to be completed by July first of each year beginning July 1, 2007, and reported to the appropriate standing committees of the legislature.

Senate Bill 208 by Senator Mount (Act 265) was filed on recommendation of the Louisiana State Law Institute and provides for a parenting coordination process, which is a child-focused alternate dispute resolution process in which a duly qualified parenting coordinator assists parents or persons exercising parental authority to implement a parenting plan by facilitating the resolution of their disputes in a timely manner and to reduce their child-related conflict so that the children may be protected from the impact of that conflict. The court may appoint a parenting coordinator on its own motion or upon motion of any party upon a showing of good cause and only if there is a pre-existing judgment establishing custody. The court shall make the appointment on joint motion of the parties.

The initial term for the appointment of the parenting coordinator shall not exceed one year,

but for good cause shown, the term may be extended for additional one year terms. Each party must pay a portion of the costs of the parenting coordinator and no parenting coordinator shall be appointed if a party has been granted pauper status or is unable to pay his apportioned cost of the parenting coordinator. A parenting coordinator may not be appointed if the court finds that a party has a history of perpetuating family violence, unless good cause is shown.

In order to be qualified as a parenting coordinator, the person must possess a master's, Ph.D., or equivalent degree, in a mental health field, hold a Louisiana license in the mental health profession, and have no less than three years of related professional post-degree experience, be a mediator, and must complete 40 hours of specialized training. The bill also provides that the parenting coordinator shall not be personally liable for any act or omission resulting in damage, injury, or loss arising out of the exercise of his official duties and within the course and scope of his appointment. However, this limitation of liability will not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the parenting coordinator.

Senate Concurrent Resolution 71 by Senator Marionneaux (filed with the Secretary of State) requests the Department of Public Safety and Corrections to change the names of the three state juvenile residential facilities from Louis Jetson Correctional Center for Youth, A.L. "Red" Swanson Correctional Center for Youth, and Bridge City Correctional Center for Youth to Louis Jetson Center for Youth, A.L. "Red" Swanson Center for Youth, and Bridge City Center for Youth, respectively.

House Bill 294 by Representative Chandler (pending conference committee) changes the name of the Central Louisiana Juvenile Detention Center Authority to the Central Louisiana Youth Authority and removes the requirement that the board of commissioners' meetings be held in the domicile of the board.

House Bill 556 by Representative McVea (Act 321) provides that in parishes within the jurisdiction of the Feliciana Juvenile Justice District, in addition to any fines or costs imposed by law, in all felony and misdemeanor prosecutions, including traffic offenses, under state law or parish or local ordinance, in any district or mayor's court, as may be applicable, special court costs in the amount of \$5 shall be assessed against every defendant who is convicted after trial or who enters a plea of guilty or nolo contendere or who forfeits bond. The monies from such costs shall be collected by the sheriff or magistrate of the mayor's court and placed in a special account to be used exclusively for the funding of the juvenile detention facility of the Feliciana Juvenile Justice District.

By Senate Committee Amendments, the bill also provides that no increase in the special court costs shall become effective without approval of the Judicial Council, unless the Judicial Council fails to approve or reject such increases within thirty days after August 15, 2007.

House Bill 669 by Representative Curtis (Act 334) was filed on recommendation of the Louisiana State Law Institute and provides for necessary state law revisions to comply with federal Safe and Timely Interstate Placement of Foster Children Act of 2006. The bill requires every juvenile shelter care facility to maintain a permanent record of important information as to each child received and provides that such information shall only be made available to peace officers, counsel representing the child or parents, the district attorney, the Department of Social

Services, persons collecting statistical information, and authorized officers of the court.

The bill also requires the Department of Social Services to give notice of any court hearing regarding the child to his parents and other parties, to give such notice regarding any child in foster care to any foster parent, pre-adoptive parent, and relative providing care, and to notify the court of each party's address, and shall have a continuing duty to provide current information to the court about each party's whereabouts. The notice is required to state the day, time, and place of the hearing and to inform the recipient of his right to attend and be heard. The court is authorized to hold the hearing even in the absence of the notified person. The bill further requires the department, in child in need of care proceedings, to fully cooperate with any court which has authority with respect to the placement of a child in foster care or for adoption for the purpose of locating a parent of a child, and shall include making available all information obtained from the Federal Parent Locator Service.

Additionally, the bill authorizes the court to consider in-and out-of-state permanent placement options during a permanency hearing where the court determines that reunification efforts are not required. In any permanency hearing, the court or administrative body conducting the hearing is required to consult, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child and in cases where the child has attained the age of sixteen, the hearing must determine the services the child needs to move from foster care to independent living. The bill further requires state agencies to cooperate in locating a parent who has a child that is being placed in foster care and make available all information obtained from the Federal Parent Locator Service in disposition cases and in cases for the removal of a child from his caretaker's custody.

House Bill 681 by Representative Gray (failed House final passage) was filed on

recommendation of the Louisiana State Law Institute and would have provided for the eligibility for consideration for parole of fifteen and sixteen year old juveniles who have been tried and convicted as adults upon reaching their thirty-first birthdays, if not otherwise eligible at an earlier date.

House Bill 871 by Representative Jefferson (pending in House Appropriations) would have created the Fund for Community Policing and Crime Prevention as a special fund in the state treasury and would have established a statewide comprehensive community policing and crime prevention initiative. The source of monies for the fund were to be by legislative appropriation and any other monies available for purposes of the fund. The bill would also have provided that monies in the fund would be appropriated to the Louisiana State Police for support of the statewide comprehensive community policing and crime prevention initiative including, but not limited to, expenditures related to: employment and training of additional law enforcement officers, increasing the number of assistant district attorneys, additional support for the state criminal justice system, additional support for the juvenile justice system, and technological innovations for purposes of crime prevention activities.

Labor/Employment

by: Cheryl Horne
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EFFICIENCY LEGISLATION FOR THE DEPARTMENT OF LABOR

Louisiana experienced job growth of over 61,000 jobs since April 2006. An additional 104,000 jobs are forecasted by 2009. During the 2007 Regular Legislative Session, the Senate Labor and Industrial Relations Committee passed critical legislation relative to the Louisiana Department of Labor at a time when the agency's efficiency is imperative to the State.

House Bill 345 by Representative Badon (Act 89) requires electronic filing of employer quarterly unemployment insurance contribution and wage reports. In an effort not to burden employers in the state, this requirement will be phased in over the next seven years. The purpose of the electronic filing is not only practical in nature but most importantly, requires the Secretary of the Department of Labor to determine the amount of Incumbent Worker Training Program contributions by October 14th of each year with notification to employers by December 31st for the following calendar year.

House Bill 832 by Representative Hunter (Act 59) reauthorizes, through 2010, the Incumbent Worker Training Program which is a benchmark project that provides training to those employers who incur a state unemployment insurance tax liability. The purpose of the program is to upgrade job skills through specifically tailored training for employers who meet the following criteria:

- (a) has been operating in Louisiana for not less than three years;
- (b) is contributing to the Incumbent Worker Training Account; and
- (c) is current on the payment of their unemployment insurance taxes.

In order to be awarded monies from the Incumbent Worker Training Account, the employer must do one of the following:

- (1) increase the wages of persons who complete training;
- (2) create new jobs;
- (3) give preference to those currently unemployed when hiring new employees; or
- (4) provide an in-kind match as a component to the training.*

**Small businesses are exempt from these requirements.*

House Bill 779 by Representative Guillory (Act 113) renames the Office of Regulatory Services to the Unemployment Insurance Administration and streamlines its duties to those exclusively related to unemployment insurance. This legislation also realigns certain functions including minimum wage standards, welfare of workers, labor disputes and labor apprenticeship to the Office of Workforce Development.

Legislative Affairs

by: Renee M. Williams
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LEGISLATIVE PROCEEDINGS

Senate Concurrent Resolution 18 by Senator Marionneaux (Assigned to Senate & Governmental Affairs) and House Concurrent Resolution 1 by Representative Crowe (subject to call-House Final passage) sought to provide the entire audio and video of each committee meeting and live floor proceedings from both the Senate and House, via the Internet and to be maintained for a minimum of three years. Senate Concurrent Resolution 18 went further to require each committee meeting and live floor proceedings broadcast of each house be archived and made available for free through a link on the Internet of the perspective house.

SALARIES

Elected Officials Salaries

The governor and state wide elected officials will receive a salary increase on January 14, 2008 in **Act 440 of the 2007 Regular Session**. The catch is this provision is only effective when public elementary and secondary school teachers and state employees receive a salary increase prior to noon January 14, 2008 and if and only when the Homeowner Assistance Program, which is a portion of the Road Home Program, is fully funded. This provision allows for the salary of the governor to increase from \$95,000 to \$130,000 and the salary of statewide elected officials will increase from \$85,000 to \$115,000.

Legislators Assistants

Senate Bill 295 by Senator Shepherd (Assigned to Senate Finance) would have amended the provisions relative to legislative assistants, which provided for a increase in their monthly salary by \$1,500 based upon the Consumer Price Index (CPI) for All Urban Consumers. The proposed increase change was as follows:

SALARIES

STEP	PRESENT	PROPOSED
Base	\$ 2,000	\$ 3,500
First	\$ 2,083	\$ 3,583
Second	\$ 2,169	\$ 3,669
Third	\$ 2,259	\$ 3,759
Fourth	\$ 2,352	\$ 3,852
Fifth	\$ 2,450	\$ 3,950
Sixth	\$ 2,551	\$ 4,051
Seventh	\$ 2,657	\$ 4,157
Eighth	\$ 2,767	\$ 4,267
Ninth	\$ 2,881	\$ 4,381
Maximum	\$ 3,000	\$ 4,500

UPON TERMINATION OF OFFICE

Act 216 of the 2007 Regular Session allows a legislator to purchase his possessions of equipment, computer and furniture purchased with allotments or from individual supplemental expense account provided by his house. Such purchases of possessions must be purchased with personal funds upon termination of office at cost of the standard depreciated value of the property.

CONTINUOUS REGULAR SESSIONS

House Bill 304 by Representative Pitre (Subject To Call - House Final Passage), sought to have continuous regular sessions throughout a year convening from 8 a.m. on Monday through 6 p.m. on Friday during the second full calendar week each month from January through October unless the governor certifies an emergency need for additional legislative days during the month and two-third of each house concur and makes other related changes. Additional changes:

1. Organizational session occurs in the month during which session convenes during the third full calendar week of such month in lieu of the second full calendar week.

2. Members can introduce a bill or other matter having the effect of law for consideration in the regular session at any time during the year.
3. Removes all provisions for and references to extraordinary sessions.
4. The governor shall submit the general appropriation bill and the proposed capital outlay program no later than Monday of the first full week in March of each year.
5. Journal shall be published no later than the last day of each month that such house is in session.
6. Neither house shall adjourn, when the legislature is in session, for more than one legislative day (rather than three days) or to another place without consent of the house.
7. The time period for gubernatorial action on a bill shall become law if the governor signs it or if he fails to sign or veto it within 10 days after delivery to him.
8. If the governor vetoes a bill he must return it to the legislature with his veto message within 12 days after delivery to him.
9. The legislature shall meet in a veto session at noon on the Monday of the first full week in November each year.
10. Suspension of laws change from not extending beyond the 60th day after final adjournment of the next regular session to not extending beyond one year and 60 days after the adoption of the resolution.
11. The annual report of the state treasurer to the governor and the legislature on the financial condition of the state from one month before session to no later than the first day of March.

Local Government

by: Michael Bell
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LOCAL AGENCIES

Senate Bill 202 by Senator Cravins (Act 380) creates the Opelousas Community Improvement Act which authorizes the city of Opelousas to formulate a workable program for the community improvement for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight. **Senate Bill 305 by Senator Duplessis (subject to call-House final passage)** creates the "East New Orleans Advisory Neighborhood Commission" and the "Lower Ninth Ward Advisory Neighborhood Commission" which provide that the commissions' primary purpose is to advise the appropriate governmental entities on matters of government policy. The commissions shall consist of the chief executive officer and one representative, appointed by the chief executive officer, from each duly organized nonprofit organization or association representing single-family homeowners in New Orleans East and the Lower Ninth Ward. **Senate Bill 333 by Senator Shepherd (Act 390)** provides for the creation of the Jefferson Parish Redevelopment Authority which shall adopt a community improvement plan to address slum and blighted areas within the parish and provides for the authority to initiate an expedited quiet title and foreclosure action to quiet title to real property held by the authority after adequate notice has been given.

PARISHES

Senate Bill 15 by Senator Hines (Act 117) authorizes the governing authority of Allen Parish to name a branch library plaza in the parish in honor of a living person who was instrumental in establishing the parish library; served on the American Library Association Board; and served as a member of the parish library board of control. **Senate Bill 168 by Senator Kostelka (Act 219)**

authorizes that governing authority of Ouachita to enact ordinances regulating or prohibiting the growth or accumulation of grass, noxious weeds, or other deleterious or unhealthful growths, trash, debris, refuse, or discarded or noxious matter from the owner of any lot located within recognized subdivisions outside municipalities in the parish.

SPECIAL DISTRICTS

Several bills were introduced addressing the priorities for special districts in members respective areas. **Senate Bill 34 by Senator Dupre (Act 248)** authorizes the board of commissioners for the Consolidated Waterworks District No. 1, Terrebonne Parish to impose a tapping fee on any prospective district customer and proper notice of both the intent to impose a tapping fee and the overall cost estimate and calculation of the proportionate share of the landowner or landowners shall be issued according to law. **Senate Bill 364 by Senator Murray (Act 280)** creates the French Quarter-Marigny Historic Area Management District comprised of the area of New Orleans laying within certain boundaries. Provides that the district shall exist until June 30, 2014, unless such date is extended by law and provides that the district shall be governed by a board consisting of 13 members.

HOUSING

Senate Bill 232 by Senator Bajoie (Act 383) would create the Louisiana Housing Counseling Assistance Act to counsel owners relative to refinancing options, availability of loans and grants and determining entitlements from FEMA programs, LRA housing programs or any other available housing programs. Provides that the office of community development or the Road Home Corporation may set aside sufficient funds to implement the requirements of the Act.

ECONOMIC DEVELOPMENT DISTRICT

Senate Bill 234 by Senator Smith (Act 269) creates the Winn Parish Economic Development District as a political subdivision of the state. Provides that the district will be established for the primary object and purpose of promoting and encouraging the development of economic and industrial opportunities, stimulating the economy through renewed commerce and industry, and for the utilization and development of natural and human resources of the area by providing job opportunities. Provides that the boundaries of the district will be coterminous with the boundaries of Winn Parish, except that the jurisdiction of the district does not include towns or cities that have economic and industrial development districts similar to the district unless there is a cooperative endeavor agreement with such a district and provides that the district will be governed by a seven member board of commissioners who shall be appointed by the governing authority of Winn Parish.

TOURISM

Senate Bill 79 by Senator Theunissen(Act 121) provides for the authority and composition of the Jefferson Davis Parish Tourist Commission to consist of the chairman of the Coushatta Tribe, or his appointee, ex officio, and seven members appointed by the Jefferson Davis Parish governing board and authorizes the commission to increase the occupancy taxes from two and a half percent to four and a half percent.

MUNICIPALITIES

Senate Bill 327 by Senator Jackson (Act 135) authorizes the governing authority of the city of Shreveport to name a civic center in honor of James C. Gardner, a living person who served as mayor from 1954 through 1958; served as a state representative from Caddo Parish from 1952 through 1954; served on the Shreveport city council from 1978 through 1982 and was elected chairman of the first city council to serve under the new mayor/council form of government.

Natural Resources

by: J.W. Wiley
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OIL AND GAS

House Bill 187 by Representative Pierre (Act 428) provides that property located in Louisiana can be expropriated for the transportation of carbon dioxide for underground injection in connection with recovery projects for increasing the ultimate recovery of oil or gas located in Louisiana or in other states or jurisdictions.

Present law allows onsite disposal of nonhazardous oilfield waste by mixing wastes with soil from adjacent areas provided waste/soil mixtures meet certain criteria. The law allows for onsite land treatment of nonhazardous oilfield waste. "Onsite" means "the same lease or contiguous property owned by the lessor, or within the confines of a drilling unit established for a specific well or group of wells." **Senate Bill 133 by Senator Adley (Assigned to Senate Committee on Natural Resources)** would have authorized the commissioner of conservation to control the offsite beneficial use of fluids generated by the drilling and production of oil and gas wells.

SALT DOMES

Concerns over the drilling for oil and gas exploration and storage of exploration and production wastes in salt domes lead to the introduction of three bills to prohibit such activity. **House Bill 617 by Representative Durand (Assigned to House Natural Resources)** would have prohibited drilling in and around Lake Peigneur or the Jefferson Island salt dome. **Senate Bill 173 by Senator Chaisson (Assigned to Senate Natural Resources)** and **House Bill 805 by Representative Baudoin (Assigned to House Environment)** would have prohibited the injection of exploration and production waste into salt domes.

LAND PRESERVATION

Senate Concurrent Resolution 94 by Senator McPherson (filed with the secretary of state) will nominate Black Creek in Grant Parish for inclusion in the Louisiana Natural and Scenic Rivers System.

Senate Concurrent Resolution 95 by Senator McPherson (filed with the secretary of state) requests the Department of Natural Resources to study the establishment of a state coastal land trust to acquire, accept, and manage coastal lands consistent with the state's coastal protection and restoration plan.

Senate Concurrent Resolution 96 by Senator McPherson (filed with the secretary of state) requests the Department of Wildlife & Fisheries, in consultation with other state agencies and private organizations, to develop a master list of priority unprotected wildlife habitats and recommend strategies for funding the acquisition and protection of such habitats.

FILL MATERIAL

House Bill 908 by Representative Daniel (Act 454) and **Senate Bill 76 by Senator Dupre (Assigned to House Natural Resources)** will provide relative to royalty payments for material dredged from the state water bottoms and exemptions from royalty payments for certain coastal restoration projects.

Property

by: Joe Guillory
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COMMUNITY DEVELOPMENT

Senate Bill 124 by Senator Broome (Act 374) provides for the formation of certified community development corporations and certified community development financial institutions and provides the requirements for each.

Senate Bill 202 by Senator Cravins (Act 380) authorizes the city of Opelousas to formulate a workable program for the community improvement by utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed rehabilitation, and to provide for the redevelopment of slum or blighted areas or to undertake other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program.

Senate Bill 333 by Senator Sheperd (Act 390) provides for the creation of the Jefferson Parish Redevelopment Authority.

Senate Bill 334 by Senator Sheperd (Act 277) provides for administrative adjudication for violations of public health, housing, fire code, environmental, building code, zoning, historic district, permitting, vegetation and nuisance ordinance, the public authority may enforce health, safety and welfare statutes or ordinances or otherwise seek to eliminate blighted property, unsafe structures and equipment, unlawful structures and structures unfit for human occupancy, housing violations or public nuisances in any court of competent jurisdiction in Jefferson Parish.

Senate Bill 364 by Senator Murray (Act 280) creates the French Quarter-Marigny Historic Area Management District comprised of the area of New Orleans lying within the following boundaries: the Mississippi River, the center line

of Canal Street, the rear property line of the properties fronting on the lake side of North Rampart Street, the rear property line of the properties fronting on the downriver side of Esplanade Avenue, the rear property line of the properties fronting on the lake side of Royal Street, the rear property line of the properties fronting on the upriver side of Touro Street, the rear property line of the properties fronting on the lake side of North Rampart Street, and the center line of Elysian Fields Avenue to the Mississippi River.

House Bill 332 by Representative Chandler (subject to call - Senate final passage) creates and provides for the Olla, Urania, Tullos, Standard Economic and Industrial Development District in LaSalle Parish. Provides relative to the governance, powers, duties, and funding of the district.

House Bill 526 by Representative Anders (Act 54), relative to Vidalia, provides that the Vidalia Riverfront Development District shall be a political subdivision and authorizes the district, through its governing authority, to levy a hotel occupancy tax to be used for a convention center in Vidalia.

House Bill 876 Representative M. Jackson (Act 417) creates the East Baton Rouge Redevelopment Authority.

COMMUNITY PROPERTY

House Bill 560 by Representative R. Carter (subject to call-House Final passage) would provide that spouses in a proceeding to partition the community property are bound by the valuation of the business entity upon dissolution as set forth in the applicable partnership agreement or articles of organization.

Representative Farrar, House Concurrent Resolution 183, (enrolled), authorizes and requests the Louisiana State Law Institute to study and make recommendations relative to certain laws on the partition of community property.

CORPORATE PROPERTY

House Bill 629 by Representative Richie (Act 364) creates the "Louisiana Industrialized Building Act" and provides legislative findings. Clarifies that industrialized buildings must be in compliance with the wind and flood provisions adopted by the Louisiana State Uniform Construction Code Council.

EXPROPRIATION

Senate Bill 33 by Senator B. Gautreaux (assigned to House Transportation, Highways & Public Works) authorizes the Terrebonne Port Commission to regulate commerce and traffic within the port area, consisting of Terrebonne Parish.

House Bill 187 by Representative Pierre (Act 428) authorizes the commissioner of conservation to approve certain oil and gas projects thereby authorizing the expropriation of property for carbon dioxide pipelines. Further, provides that if the recovery project is in another state, the commissioner's approval consists of confirmation that the applicable regulatory authority has approved the recovery project.

House Bill 967 by Representative Lorusso (Act 362) provides relative to the right to contest expropriations in certain cases.

HOUSING

Senate Bill 232 by Senator Bajoie (Act 383) creates the Louisiana Housing Counseling Assistance Act, which provides that housing counseling assistance may be provided through private non-profit organizations which are certified through the La. Housing Finance Agency. However, no elected or appointed official or an immediate family member of such official shall

receive anything of economic value through any such organization, as those terms are defined in the Code of Governmental Ethics.

House Bill 486 by Representative Fannin (assigned to Senate Commerce) provides for means of enforcement of the International Residential Code and various other changes to the State Uniform Construction Code.

House Bill 498 by Representative Anders (Act 441) provides relative to owners or operators of manufactured home parks or communities. Provides for the state administrative agent along with the term of the administrative agent, powers and authority of the agent, and the enforcement of the state plan.

IMMOVABLE PROPERTY

Senate Bill 122 by Senator Murray (Act 256) provides for the authority to initiate an expedited quiet title and foreclosure action.

House Bill 298 by Representative Pitre (Act 79) changes the description of the boundaries of an area in which the Grand Isle Port Commission is authorized to work with the La. Sea Grant program in seafood production research.

House Bill 796 by Representative Gray (Act 115), provides with respect to the administrative adjudication of public health, housing, fire code, environmental, and historic district violations.

INTELLECTUAL PROPERTY

House Bill 409 by Representative Cazayoux (Act 302) exempts contracts between co-owners of intellectual property from the state procurement code when one of the co-owners is an accredited Louisiana college or university.

MOVEABLE PROPERTY

Senate Bill 256 by Senator Hollis (Act 131) authorizes automobile dealers to collect a documentation and compliance fee, not to exceed

\$100 in order to comply with state and federal laws.

House Bill 32 by Representative Hill (Act 16), authorizes the local governing authority having territorial jurisdiction over Ward 1, Allen Parish, to allow the constable of Ward 1, justice of the peace court, Allen Parish, to use any surplus automobile in the possession of the governing authority. Requires a sign or decal with the insignia of the court to be placed on the vehicle.

House Bill 126 by Representative LaFonta (Act 65) and HB 557 by Rep. Honey (Act 322) authorizes purchasers of certain scrap metal to electronically maintain certain data and to make certain information available to law enforcement upon request.

House Bill 524 by Representative Jack Smith (Act 319) provides for the titling of vessels.

PRIVILEGES/LIENS

Senate Bill 143 by Senator Duplessis (subject to call House Final passage) provides for the cancellation of a mortgage, and also vendor's privilege, when the paraphed note is presented and when the paraphed note is lost or destroyed.

Senate Bill 175 by Senator Murray (Act 263) provides for running of prescription in certain actions to enforce zoning restrictions or regulations in the Vieux Carre section of New Orleans.

House Bill 739 by Representative Gallot (Act 337), provides for changes relative to the cancellation of mortgages and vendors privileges.

House Bill 961 by Representative Damico (vetoed by governor) provides relative to the cancellation of certain mortgages and vendor's privileges.

PUBLIC BUILDINGS/GROUNDS

Senate Bill 15 by Senator Hines (Act 117) authorizes the governing authority of Allen Parish to name a branch library plaza in the parish in honor of a living person who was instrumental in establishing the parish library; served on the American Library Association Board; and served as a member of the parish library board of control.

Senate Bill 50 by Senator Theunissen (Act 164) names the educational and recreational center located in Bunkie, Louisiana the Cecil J. Picard Educational and Recreational Center.

Senate Bill 168 by Senator Kostelka (Act 219) authorizes the governing authority of Ouachita to enact ordinances regulating or prohibiting the growth or accumulation of grass, noxious weeds, or other deleterious or unhealthful growths, trash, debris, refuse, or discarded or noxious matter from the owner of any lot located within recognized subdivisions outside municipalities in the parish.

Senate Bill 240 by Senator Amedee (Act 270) requires the office of facility planning and control of the division of administration to adopt rules and regulations, which require certain state-funded major facility projects meet energy efficient requirements.

Senate Bill 327 by Senator Jackson (Act 135) authorizes the governing authority of the city of Shreveport to name a civic center in honor of James C. Gardner, a living person who served as mayor from 1954 through 1958; served as a state representative from Caddo Parish from 1952 through 1954; served on the Shreveport city council from 1978 through 1982 and was elected chairman of the first city council to serve under the new mayor/council form of government.

Senate Concurrent Resolution 53 by Senator Jones (subject to call-House Final passage) directs the board of supervisors for the University of Louisiana System to rename the

Assembly Center the Coach Fredrick C. Hobdy Assembly Center.

Senate Concurrent Resolution 71 by Senator Marionneaux (enrolled) requests the Department of Public Safety and Corrections to change the names of the three state juvenile residential facilities from Louis Jetson Correctional Center for Youth, A.L. "Red" Swanson Correctional Center for Youth, and Bridge City Correctional Center for Youth to Louis Jetson Center for Youth, A.L. "Red" Swanson Center for Youth, and Bridge City Center for Youth, respectively.

House Bill 516 by Representative Dorsey (Act 154) provides that the A. Z. Young Park shall be established on public lands formerly occupied by such state building in the city of Baton Rouge at 755 N. 3rd St. and bounded by the LaSalle Building, North Third Street, the Pentagon Barracks, and the Capitol Park Welcome Center.

House Bill 677 by Representative Thompson (Act 415) transfers the Louisiana Political Museum and Hall of Fame from the Dept. of Culture, Recreation and Tourism to the Dept. of State. Creates a museum governing board and provides for its powers and duties.

House Bill 831 by Representative Honey (Act 350) renames the Honors College building at Southern University, at Baton Rouge, the "Dr. Dolores Richard Spike Honors College" building.

PUBLIC PROPERTY

Senate Bill 148 by Senator Schedler (Act 215) authorizes the secretary of the Department of Health and Hospitals and the commissioner of administration to enter into a lease agreement of certain buildings and improvements at Southeast Louisiana Hospital in St. Tammany Parish to the Methodist Home for Children.

Senate Bill 150 by Senator Barham (Act 216) provides for the disposition of certain

furniture and equipment purchased for legislators, upon their termination of office.

Senate Bill 164 by Senator Cassidy (Act 218) provides that the La. State Board of Medical Examiners may acquire, develop, maintain, expand, sell, lease, mortgage, borrow funds or contract with respect to immovable property as it may deem necessary or appropriate.

Senate Bill 171 (Act 10) by Senator Mount amends description of the certain immovable property to be transferred located in Calcasieu Parish from Chennault International Airport Authority to the Board of Supervisors of Community and Technical Colleges, for the use and benefit of its Sowela Campus, in exchange for forgiveness of a certain debt owed by the authority to the state of Louisiana.

Senate Bill 180 by Senator McPherson (Act 264) authorizes the transfer of certain state properties.

Senate Bill 249 by Senator Bajoie (Act 130) authorizes the transfer of certain state properties located in Rapides Parish.

Senate Bill 319 by Senator Murray (Act 470) prohibits the use, without the consent of the Sewerage and Water Board of New Orleans, of the logo and any reproduction, counterfeit, copy, or imitation in connection with the sale, offering for sale, or advertising of any goods or services. Provides that whoever violates law may be subject to a fine not to exceed \$5,000.

Senate Bill 321 by Senator Hietmeier (Act 177) authorizes the transfer of certain state property in Plaquemines Parish.

House Bill 62 by Representative Crowe (Act 17), authorizes the transfer of certain state properties in St. Tammany Parish by the division of administration to the city of Slidell. Effective upon signature of governor or lapse of time for gubernatorial action.

House Bill 74 by Representative Crowe (Act 20), authorizes the coroner of St. Tammany Parish to acquire immovable property, requires the coroner to receive millage tax payments approved by the citizens of the parish, provides for uses of the coroner's tax, including salaries, and requires the coroner to prepare an annual report.

House Bill 114 by Representative Bowler (Act 21), extends authorization for sale or lease of certain state property located in Jefferson Parish to the Jefferson Parish School Board to be used exclusively for the construction of facilities for the Harahan Elementary School to August 15, 2008.

House Bill 194 by Representative Frith (Act 397) relative to the disposition of certain collections in Vermilion Parish, and provides that the monies shall be allocated only to a public or quasi-public entity of the state of Louisiana, who is in good standing with the secretary of state, and recognized as a tax exempt organization under the provisions of the Internal Revenue Code.

House Bill 198 by Representative McVea (Act 24), requires East Feliciana Parish to use a contractor prequalified by the state for historical restoration work in the restoration of the parish courthouse.

House Bill 450 by Representative Burns (Act 438) provides that the proceeds from the sale or lease of timber or fruit harvested from property in the custody of the Dept. of Health and Hospitals shall be deposited and credited to a special fund to be known as the Dept. of Health and Hospitals' Facility Support Fund.

House Bill 582 by Representative Winston (Act 103), authorizes the transfer of certain buildings, structures, and facilities from LSU to St. Tammany Parish, but prohibits the transfer of mineral rights.

House Bill 802 by Representative Beard (Act 346) relative to the purchase of immovable property by political subdivisions.

REAL ESTATE

Senate Bill 212 by Senator Bajoie (Withdrawn from the files of the Senate) provides that there shall be one real estate officer within the real estate office for Orleans Parish who shall be elected by the qualified electors of the parish of Orleans.

House Bill 307 by Representative Damico (Act 35), provides for the renewal time period and delinquent fees of certain real estate licenses.

House Bill 317 by Representative Geymann (Act 39), prohibits a residential mortgage lending licensee from engaging in a loan transaction when also acting as a real estate licensee in connection with the same loan transaction.

House Bill 704 by Representative Pinac (Act 335) provides for various changes to the State Uniform Construction Code.

Representative Hutter, HCR 11, (enrolled), authorizes and directs the Louisiana State Licensing Board for Contractors to consult with the attorney general in the development of proposed homeowner's rights legislation.

Representative Pinac, HCR 190, (enrolled), requests the Louisiana Real Estate Commission to study the suitability of current educational and professional standards applicable to real estate licensees within the state.

SEIZURES/SALES

House Bill 137 by Representative St. Germain (Act 71), provides for the seizure and forfeiture of property as contraband, derivative contraband, or property related to contraband.

UNCLAIMED PROPERTY

House Bill 321 by Representative Burrell (subject to call Senate final passage) allows monies in the Unclaimed Property Leverage Fund to be used for construction of portions of I-49.

House Bill 531 by Representative Montgomery (Act 320) allows monies in the "Unclaimed Property Leverage Fund" to be used for construction of portions of I-49.

Public Safety

by: Alan Miller
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VEHICULAR SAFETY

Senate Bill 207 by Senator Mount (Act 127) allows for a 14 year old unlicensed driver to operate a motor vehicle with a licensed parent or guardian who is providing driving instruction to the child, as long as the instruction doesn't take place on a public street, road, or highway. The bill also allows unlicensed 12 year olds to operate certain farm equipment on the shoulder of a highway.

House Bill 652 by Representative Wooton (Act 413) increases the time of suspension of driver's licenses for DWIs and other vehicular related offenses, and requires installation of ignition interlock devices in order to receive a restricted driver's license.

Under this Act, the 90-day suspension for conviction of first offense DWI or vehicular negligent injuring is increased to one year. The one year suspension for manslaughter, vehicular homicide, or negligent homicide resulting from the operation of a motor vehicle is increased to two years. The two year suspension for third offense DWI or negligent injuring is increased to three years.

The Act also requires installation and maintenance of an ignition interlock device on the motor vehicle to be used by a person with a restricted license resulting from a DWI, and that the person must prove that the need to receive a restricted license is sufficient to maintain a livelihood and other necessities of life.

House Bill 99 by Representative Crowe (failed House final passage) would have prohibited the use of cell phones while operating a motor vehicle in a school zone during posted hours. The only exceptions for use would have

been for emergency use and use while in a parked vehicle.

House Bill 747 by Representative Baudoin (failed House final passage) would have required protective gear, training and adult supervision for riders of all-terrain vehicles (ATVs) under the age of 14, and would have prohibiting children under age 6 from operating ATVs altogether. The required protective gear would have been helmets and protective eyewear. Operation of an ATV by a child under age 14 would have only been lawful if the protective gear was in use, the child had completed an ATV safety course approved by the Department of Wildlife and Fisheries, and there was adult supervision.

Retirement

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The major legislative instruments of the 2007 Regular Legislative Session in the public retirement arena generally focused on granting cost-of-living adjustments, allowing retirees to return to work, shoring up the funding of the systems, and providing equitable benefits to employees whose service involves public safety.

COST-OF-LIVING ADJUSTMENTS (COLAs)

Employee experience accounts

For the first time since 2002, the balance in the experience account of the Teachers' Retirement System of Louisiana (Teachers') was sufficient to fund a COLA for the retired teachers. For the second year in a row, the balance in the Louisiana State Employees' Retirement System (LASERS') employee experience account was sufficient to fund a cost-of-living adjustment (COLA).

The amount of a COLA paid from an experience account is statutorily limited to the lesser of 3% or the consumer price index (CPI). For the 2006 calendar year, the CPI was 2.5%. Although each system had an experience account balance in excess of the amount necessary to fund the full 3%, without special measures, the COLA for the retired state employees and teachers would be limited to 2.5%. The experience account laws further require legislative approval through concurrent resolution before a COLA can be granted from the funds in the account.

Senate Bill 116 by Senator Theunissen (Act 67) allows a 3% COLA to be paid from the experience account of each system on July 1, 2007, pursuant to the provisions of the experience account laws. **Senate Concurrent Resolution 3 by Senator Butch Gautreaux (filed with the Secretary of State)** grants approval to the Teachers' board of trustees to pay the 3% COLA.

House Concurrent Resolution 7 by Representative Schneider (filed with the Secretary of State) grants similar approval to the LASERS board.

House Bill 658 by Representative Kennard (Act 333) creates employee experience accounts similar to those of the systems for Teachers' and LASERS for the State Police Pension and Retirement System (State Police) and the Louisiana School Employees' Retirement System (School Employees'). Having an experience account will allow these systems to grant COLAs without regard to present statutory restrictions discussed, as these restrictions have become skewed due to the market volatility of the past five years.

"Regular" recurring COLAs

Nearly all of the state and statewide systems have had difficulty granting COLAs in the past five years. To grant a COLA in a particular year, the eleven such systems that have no experience accounts are statutorily required to achieve investment earnings above a specified level and meet a funding percentage for that year, which increases annually.

The State Police system this year met the statutory requirements to grant a regular, recurring COLA. However, the structure of any COLA granted by the board of trustees is limited by statute. **Senate Bill 83 by Senator Butch Gautreaux (Act 370)** allows a different structure for this year's COLA, to raise the benefit of certain long-time retirees to a minimum level.

Senator Gautreaux's Senate Bill 83, (Act 370) provides that every disability retiree whose benefit is below \$1200 and each "regular" retiree with at least 20 years of service credit, who has

been retired at least 15 years, and whose benefit is less than \$1200 will receive an increase that will raise the monthly benefit to \$1200 or he will receive an increase of \$300 a month, whichever is less. If a retiree who would be eligible has died, the spouse to whom he was married at the time of his death will also receive the increase. This bill also allows the board to grant a 2% increase to all retirees age 65 or older and an increase of \$1 for each year of service and \$1 for each year since retirement to all retirees.

House Bill 440 by Representative Schneider (Act 308) allows the Sheriffs' Pension and Relief Fund to grant a regular, recurring COLA despite the system's failure to meet the funding target, using the excess interest the system earned this year. The amount of the COLA is 3% of the current benefit, plus an additional 2% of the current benefit for those age 65 or older, payable only to those who would be eligible for a COLA if the board were granting it directly.

"Thirteenth check" COLAs

House Bill 415 by Representative Morris (Act 232) allows the boards of the Municipal Police Employees' Retirement System, the Municipal Employees' Retirement System, and School Employees' to grant a "thirteenth check" to retirees if a "regular" recurring COLA cannot be paid based on the June 30, 2007 valuation. The amount of the check is 3% of the "normal" annual benefit but not less than \$300

BENEFITS FOR PUBLIC SAFETY EMPLOYEES

Senate Bill 58 by Senator Ellington (Act 367) allows a state trooper hired on or before June 30, 2008, with at least 10 years of service credit in the State Police system to purchase credit for out-of-state law enforcement time at the actuarial cost. This treats such out-of-state service on a par with any instate law enforcement time.

House Bill 878 by Representative Kleckley (Act 353) provides enhanced benefits for

P.O.S.T.-certified alcohol and tobacco control (ATC) agents in the Dept. of Revenue. The bill provides an accrual rate of 3 $\frac{1}{3}$ % for all past P.O.S.T.-certified LASERS service and for all future service as an ATC agent. The increased liability is funded through additional employee contributions, which increase from 7.5% to 9% of pay, and through dedicated tobacco taxes. Any additional costs shall be paid directly by the office of alcohol and tobacco control.

House Bill 845 by Rep. Durand (Sent to the Governor) provides enhanced benefits for certain adult probation and parole officers employed by the Dept. of Public Safety and Corrections (DPS) on or before Dec. 31, 2001. The bill increases from 2 $\frac{1}{2}$ % to 3 $\frac{1}{3}$ % the accrual rate for future service credit and increases from 2 $\frac{1}{2}$ % to 3% the accrual rate for past service credit. The additional liability to the system is paid through a fee assessed on each probation and parole officer's case files, deposited into a special fund. If the fund balance is insufficient to cover a particular year's payment, the unpaid portion shall be paid directly by DPS, subject to appropriation.

RETURNING TO EMPLOYMENT

Senate Bill 60 by Senator Cain (Act 213) allows a school board to opt to reemploy a bus driver who retired on or before June 1, 2007, and who has been retired for 12 months without the bus driver being subject to having his retirement benefits suspended. If the bus driver is reemployed within the 12 months following retirement, he receives his full salary but his retirement benefits are suspended for the remainder of the 12 months. Actuarial costs of reemploying a bus driver under the provisions of this bill are borne by the particular school board employing him, with payment for such costs to be made before the bus driver retires again. The provisions of the bill cease to be effective on June 1, 2010.

Anyone who elects to retire early under the "regular" LASERS early retirement provision or

under the Early Retirement and Payroll Reduction Act is subject to certain prohibitions, among them two which relate to reemployment. The Payroll Reduction Act prohibits any early retiree from being reemployed in a LASERS-covered position for two years from the date of retirement. Additionally, reemployment "Option 2", which generally allows a reemployed retiree to repay all benefits received with interest to regain LASERS membership, is not available to anyone who retires under an early-retirement provision.

Senate Bill 96 by Senator Amedee (Act 67) excludes state employees who were displaced from work due to hurricane Katrina or Rita and who elected to retire early under the usual LASERS law or the Payroll Reduction Act from these prohibitions regarding reemployment of early retirees. The bill allows an early retiree covered by its provisions to be reemployed in a LASERS-covered position within the two-year period following retirement, and upon reemployment allows him to elect to repay the benefits and interest and regain membership in LASERS.

RETIREMENT SYSTEM FUNDING

Several bills were filed again this year in an attempt to provide additional funding for the unfunded accrued liability (UAL) of Teachers' and LASERS and to ensure that any new benefits have adequate funding from inception.

Senate Bill 127 by Senator Boasso (Filed with the Secretary of State) is a constitutional amendment that would require that creation of future benefits for state systems with a cost would have to include a new funding source that pays the cost of that benefit within ten years.

Senate Bills 48 and 130 by Senator Boasso (assigned to Senate Finance) would have set up two funds in the treasury for payments to Teachers' and LASERS, one for UAL payments and one for supplemental COLA funding. **Senate Bill 48** would have captured new monies

recognized by the Revenue Estimating Conference and deposited them into the funds. Twenty-five percent of "surplus" from the previous year would have gone into the UAL fund. Three percent of newly recognized money for the current would have gone into the COLA fund. **Senate Bill 130** would have provided an extra payment by the state from general fund monies every year of 2% of payroll of each system; roughly \$100M total annually.

Revenue & Taxation

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TAX BENEFIT "SURVIVOR!"

The 2007 Regular Session was notable for the introduction of an unprecedented amount (at least in this writer's experience) of tax benefit legislation (i.e. exemptions, deductions, credits, etc.). Intent on insuring that taxpayers enjoyed some of the fruits of a surprisingly healthy state fisc, legislators advanced many different forms of tax reduction items, only some of which made it all the way into law.

Below, by category, are most of the contenders which made it to the opposite house, if not into law, listed by category.

Tax Breaks for Individuals

Stelly Reversals

There were dozens of bills prefiled affecting the Stelly Plan income tax changes. The annual impact of the different measures ranged from \$130 million to more than \$700 million, depending on what part of the Stelly tax shift was addressed. The survivor was **House Bill 365 by Representative Townsend (Act 399)** [similar bills: **Senate Bill 66 by Senator Adley; Senate Bill 4 by Senator Mount; Senate Bill 11 by Senator Cain; Senate Bill 13 by Senator Michot; Senate Bill 20 by Senator Hollis; Senate Bill 25 by Senator Murray; Senate Bill 81 by Senator Kostelka**] which phases-in a restoration of the ability of taxpayers to deduct from their state income tax the amount of their federal itemized deductions which are in excess of the standard deduction as they were allowed to do prior to the Stelly Plan. The largest federal itemized deductions are home mortgage interest, state taxes, gifts to charity, and medical and dental expenses. This tax year taxpayers will be allowed to deduct 57.5% of such "excess itemized deductions". The allowable deduction moves to 65% in 2008 and 100% in 2009 as would have

occurred without the Stelly changes. [Estimated cost/taxpayer savings = \$157 million FY08; \$190 million FY09; \$308 million FY10 and on up thereafter.]

Sales Tax Holidays

Senate Bill 3 by Senator Marionneaux (Act 244) sets up an annual state sales tax holiday the first Friday and Saturday in August. The bill exempts from state sales tax up to \$2,500 of a purchase by an individual. The tax break does not apply to meal and vehicle purchases. [Estimated cost/taxpayer savings = \$6 million and up per year.]

House Bill 225 by Representative St. Germain (Act 429) provides for a state sales tax exemption for the first \$1500 of the price of certain hurricane preparedness items and supplies purchased on the last Saturday and Sunday of May each year in preparation for the hurricane season. [Estimated cost/taxpayer savings = \$2 million and up per year.]

For the Low Income

Senate Bill 341 by Senator Jackson (Act 278) establishes a refundable state earned income tax credit of 3.5% of the federal credit available to low income taxpayers - those with incomes less than or equal to the federal poverty level. [Estimated cost/taxpayer savings = \$6 million and up per year, beginning 2008.]

For Children

Senate Bill 361 by Senator Duplessis (Act 394) establishes refundable school readiness tax credits for families, child-care providers and employers related to child care services provided to children five years of age or younger beginning January 1, 2008. The amount of the credit is a percentage tied to the "star" quality rating the child

care facility receives from the Department of Social Services, five stars being the highest rating and the highest percentage.

The amount of the income tax credit for families is a percentage of the child tax credit already allowed under state law. No credit is allowed for children enrolled in non-participating or one-star child care facilities. The credit is refundable only for low income families (\$25,000 or less), otherwise the credit may be carried forward for 5 years. The tax break for day care center operators is tied to the number of low income children or children in foster care served and the center's quality rating. The additional tax credits for day care directors and employees depends on their level of training and quality rating. The credit for employees is inflation-adjusted.

Businesses also get a credit for a percentage of their eligible business child care expenses of up to \$50,000 for construction, repair, or equipment for child care facilities or for the purchase of child care slots for employees and up to \$5,000 for payments made to support employee child. A separate credit of up to \$5,000 is allowed for payment of fees and grants to child care resource and referral agencies. [Estimated cost/taxpayer savings = \$7.1 million in the first year of implementation, increasing to \$24.7 million in 2010 as participation in the program increases.]

Senate Bill 45 by Senator Marionneaux (vetoed by the governor) would have provided an income tax deduction for elementary and secondary school tuition paid from July 1, 2008 through June 30, 2010. [Estimated cost/taxpayer savings = \$4.8 million per year in FY09 and FY11, and \$9.7 million in FY10.]

Senate Bill 62 by Senator Amedee (assigned to House Ways and Means) would have granted certain businesses a non-refundable "student career option tax credit" for 50% of up to

\$2,500 of wages paid to each junior or senior high school student or student with disabilities employed under a work-based learning agreement under the High School Career Option Law. [Estimated cost/taxpayer savings = \$5.3 million per year upon full implementation.]

Senate Bill 155 by Senator L. Jackson (subject to call, House final passage) would have granted a tax credit of 10% of the federal child tax income tax credit. [Estimated cost/taxpayer savings = \$30.7 million.]

House Bill 241 by Representative Baldone (Act 430) exempts meal items purchased by non-public schools and non-profits participating in the National School Lunch and School Breakfast Program, which distributes federal funds to provide free or reduced-cost breakfasts and lunches to needy students in private and public schools, from state sales taxes. Also exempts construction materials purchased by Habitat for Humanity organizations in the state from both state and local sales taxes. [Estimated cost/taxpayer savings = \$412,000 a year.]

For Certain Occupations/Status

Senate Bill 5 by Senator Mount (Act 160) removes the expiration date of an exemption from the state income tax for the first \$30,000 of income paid to military personnel for active duty service outside of the state. [Estimated cost/taxpayer savings = \$1.4 million per year.]

Senate Bill 361 by Senator Duplessis (Act 394) (see above) for tax credits for child care directors and employees .

House Bill 949 by Representative Marchand (Act 458) provides a \$500-a-year state income tax deduction to those who serve at least 30 hours a year as registered volunteers for recreation departments and for certified volunteer firefighters. [Estimated cost/taxpayer savings = minimal.]

House Bill 428 by Representative J. R. Smith (Act 306) grants an income tax credit which will reimburse servicemen and women (and their spouses and dependents) for the amounts paid for hunting and fishing licenses. [Estimated cost/taxpayer savings = \$285,000 per year.]

House Bill 847 by Representative Jefferson (Act 351) grants a \$1,000 deduction against taxable income in 2007 and 2008 only for a previously-employed public school classroom teacher in parishes impacted by Hurricane Katrina who agree to be employed as a teacher for at least three years. [Estimated cost/taxpayer savings = \$175,000 in FY08 and 09.]

Senate Bill 313 by Senator Adley (subject to call, Senate adoption of conference committee report) would have provided a sales tax exemption for vehicles which had been modified for use by orthopedically handicapped people. [Estimated cost/taxpayer savings = "not materially significant".]

Senate Bill 346 by Senator Broome (assigned to House Ways and Means) [SB342 by Cain, similar bill] would have granted a marriage strengthening tax deduction of \$100 for married couples filing a joint return. [Estimated cost/taxpayer savings = \$1.5 million.]

Other Individual Tax Breaks

Senate Bill 90 by Senator Nick Gautreaux (Act 371) provides a refundable state individual or corporate income tax credit to homeowners and apartment owners who install and/or use certified wind or solar energy systems. The tax credit is 50% of the first \$25,000 invested into the equipment and its installation, beginning Jan. 1, 2008. [Estimated cost/taxpayer savings = \$500,000 per year.]

In conference committee, several other tax issues were added including:

A tax break initially passed by the Senate in **Senate Bill 242 by Senator Boasso** which would have given an income tax credit phased-out over 10 years for the difference between pre-Katrina and post- Katrina insurance premiums – but finally reduced to a one-time 2008 income tax credit for 7% of the cost of a homeowner's or tenant's property insurance premium in that year, less any tax credits already received in connection with Citizens' assessments. [**See also, Senate Bill 328 by Senator Hollis, assigned to House Ways and Means, similar bill**] [Estimated cost/taxpayer savings = \$92.4 million in FY09.]

A repeal of the state gift tax as of July 1, 2008. [Estimated cost/taxpayer savings = \$3.8 million annually.]

A repeal of a trap-for-the-unwary provision charging inheritance tax only to those who did not timely open a succession (i.e. file legal papers) and allowing a tax refund for those who had paid inheritance taxes because of this provision. [Estimated cost/taxpayer savings = approximately \$3.2 billion in refunds.]

Senate Bill 55 by Senator Hines (Act 463) exempts from state sales tax prescription eyeglasses and contact lenses prescribed by optometrists. [Estimated cost/taxpayer savings = "no material effect".]

House Bill 928 by Representative Alario (assigned to Senate Revenue and Fiscal Affairs) would have granted a refundable credit against individual income tax for property tax paid on homestead exempt property up to \$250. [Estimated cost/taxpayer savings = \$58 million per year, starting FY10.]

Hurricane Impact Assistance

Senate Bill 32 by Senator Murray (Act 247) [Senate Bill 323 by Senator Duplessis, similar bill] insures that Road Home, La. Recovery Authority, or La. Family Recovery

Corps benefits will not be included in taxable income of individuals or businesses.

Senate Bill 37 by Senator Dupre (Act 462) exempts storm shutters from the 4-cent state sales tax. The bill would give local and parish officials the authority to waive local sales taxes on the shutters. The legislation defines a storm shutter as "materials and products manufactured, rated and marketed specifically for the purpose of preventing window damage from storms." [Estimated cost/taxpayer savings = unknown, but probably small.]

Senate Bill 90 by Senator Nick Gautreaux (Act 371) (see above) which grants a tax credit of a percentage of insurance premiums paid in 2007.

Senate Bill 182 by Senator Quinn (Act 467) grants a tax deduction of up to \$5,000 for 50% of the cost to "voluntarily" retrofit an existing homestead exempt home to bring it into compliance with the State Uniform Construction Code. [Estimated cost/taxpayer savings = "relatively small, possibly a few thousand or tens of thousands of dollars."]

Senate Bill 211 by Senator Mount (Act 382) will allow taxpayers to claim the existing tax credit for hurricane assessments made by Citizens Property Insurance Corporation on special forms without filing a tax return. [Estimated cost/taxpayer savings = zero.]

House Bill 505 by Representative Richmond (vetoed by governor) [similar bill, Senate Bill 213 by Senator Bajoie (assigned to House Ways and Means)] would have immediately exempted purchases of machinery and equipment by certain businesses located in Orleans and St. Bernard Parishes until July 1, 2010. [Estimated cost/taxpayer savings = indeterminate.] It also would have restored on July 1, 2008 the sales tax exemptions which had been "permanently suspended" against one penny of the

state sales tax for non-residential purchases of natural gas, water, steam, electricity, and certain other energy sources, except fuel to generate electric power for resale [**similar bill, Senate Bill 80 by Senator Kostelka (assigned Senate Revenue and Fiscal Affairs)**]. [Estimated cost/taxpayer savings = \$68.4 million.]

House Bill 975 by Representative Odinet (vetoed by governor) would have granted a refund of state sales tax paid on purchases to restore, or to repair or replace property in, a primary residence damaged by Hurricane Katrina or Rita in specified parishes. Effective July 1, 2008. [Estimated cost/taxpayer savings = indeterminate amount, but possible tens of millions of dollars or a hundred million or more.]

Tax Breaks for Businesses and Other Organizations

In General

Senate Bill 292 by Senator Michot (Act 389) removes the 10 year limit on "tax equalization contracts" granted by the Board of Commerce and Industry against state excise taxes and authorizes renewals for five-year periods if approved by the Joint Legislative Committee on the Budget. [Estimated cost/taxpayer savings = \$800,000 FY08; \$1.624 million FY09, and increasing \$350,000 per year thereafter.]

Senate Bill 332 by Senator Nevers (Act 472) establishes a non-refundable apprenticeship tax credit for businesses who hire workers as part of an approved apprenticeship program. Employers are eligible for state income or franchise tax credits equal to \$1 for each hour of employment of the apprentice up to 1000 hours. The credits may be carried forward for up to ten years. The measure is effective Jan. 2008 and sunsets in Jan. 2012. [Estimated cost/taxpayer savings = \$3.5 million a year.]

Senate Bill 360 by Senator Michot (Act 393) phases out then repeals on January 1, 2009 a requirement that manufacturers, wholesalers, and

jobbers collect state and local "advance" sales tax on sales to retailers. [Estimated cost/taxpayer savings = indeterminate loss.]

House Bill 926 by Representative Lafonta (Act 356) grants tax credits up to \$50,000 to business "mentors" who assist business "proteges" until January 1, 2012 (limited top \$1 million per year). [Estimated cost/taxpayer savings = \$1 million.]

House Bill 505 by Representative Richmond (vetoed by governor) would have restored on July 1, 2008 the sales tax exemptions which had been "permanently suspended" against one penny of the state sales tax for non-residential purchases of natural gas, water, steam, electricity, and certain other energy sources, except fuel to generate electric power for resale [**similar bill, Senate Bill 80 by Senator Kostelka (assigned Senate Revenue and Fiscal Affairs)**]. [Estimated cost/taxpayer savings = \$68.4 million.]

For Particular Businesses or Organizations

Senate Bill 9 by Senator Hines (Act 463) as amended by Act 368, grants a tax credit for the cost of converting sugarcane trailers to meet the requirements for a special weight permit under R.S. 32:387.7(B) starting with up to costs of \$8,500 of costs during 2009, and phasing down \$500 a year until no credit is allowed for costs paid in 2013. [Estimated cost/taxpayer savings = \$2.15 million FY09; \$2 million FY10, and declines \$500,000 per year thereafter until 2013.]

Senate Bill 65 by Senator Adley (Act 464) allows non-profit organizations that resell donated items or products made from donated items to get a refund for the sales taxes charged on such sales if the organizations spend at least 75% of their annual revenue on job training, job placement, direct employment or related community programs for disadvantaged or disabled workers. Any sales tax refund must be used in connection with such services or capital construction or debt service of the organization.

The new tax credit takes effect January 1, 2008. [Estimated cost/taxpayer savings = 2008, \$345,000, \$690,000 thereafter.]

Senate Bill 331 by Senator Ellington (Act 471) provides forest product manufacturers a permanent state sales tax exemption on electricity and natural gas purchases. The current limited tax break for such purchases by forest product manufacturers is set to expire the end of next year. [Estimated cost/taxpayer savings = \$1.7 million per year.]

Senate Bill 339 by Senator Fontenot (Act 392) increases and makes transferable tax credits available to those who voluntarily investigate and clean up polluted sites across the state in an effort to encourage more participation in the program. The tax breaks for the voluntary remediation are increased to 50% of the investment. The tax credits will be available when the expenditures are certified rather than when work is complete. The tax credits for investigation of the sites remains at 15%. These tax credits are aimed at not only cleaning up the polluted sites, but also returning the sites to commerce. The changes in this program are effective Jan. 1, 2008 and sunset Jan. 1, 2010. [Estimated cost/taxpayer savings = \$260,000 - 694,000 FY09; \$286,000 - 948,000 FY10, rough approximation based upon current small usage.]

Senate Bill 361 by Senator Duplessis (Act 394) (see above) grants tax breaks for child care providers and businesses providing certain child care assistance.

House Bill 464 by Representative Townsend (Act 439) [Senate Bill 6 by Senator Chaisson, similar bill] and House Bill 386 by Representative Morris (Act 480) makes permanent the state sales tax exemption on utilities used by steel mills and blast furnaces housed in the state as long as they employ at least 125 workers. The current exemption expires July 1. [Estimated cost/taxpayer savings = \$210,000 per year.]

House Bill 240 by Representative Townsend (Act 209) [Senate Bill 214 by Senator Kostelka, similar bill] clarifies the existing state and local sales tax exemption on the purchase, use or lease of certain trucks and trailers used primarily in interstate commerce. [Estimated cost/taxpayer savings = \$420,000 per year.]

House Bill 944 by Representative Gallot (Act 457) and Senate Bill 331 by Senator Ellington (Act 471) provides a state sales tax exemption on the purchase of water conservation equipment by commercial water users in the Sparta Groundwater Conservation District and authorizes a local sales tax exemption on such purchases. The equipment must reduce water consumption by at least 25%. The tax exemption is effective July 1, 2007 and sunsets the end of June 2009. The tax exemption program limits taxpayers to a \$1000 tax exemption with a \$1 million cap on the overall program. Currently businesses and residents relying on the Sparta Aquifer are consuming 20 million gallons of water a day more than is being replenished. [Estimated cost/taxpayer savings = \$334,000 state.]

House Bill 973 by Representative Ritchie (Act 461) establishes a system of tax credits for milk producers, with the tax credits based on fluctuations in the milk market and the ability of producers to make a profit. [Estimated cost/taxpayer savings = \$2.5 million per year.]

House Bill 92 by Representative Baldone (assigned to Revenue and Fiscal Affairs) would have expanded the current sales tax exemption items used in connection with Mardi Gras activities by carnival organizations and certain Louisiana nonprofit organizations participating in a parade sponsored by a carnival organization to include any item purchased by such organizations. [Estimated cost/taxpayer savings = \$2.5 million for FY08 and 09, \$625,000 thereafter.]

House Bill 260 by Representative J. D. Smith (Act 486) is a constitutional amendment to exempt consigned jewelry from property tax. [Estimated cost/taxpayer savings = zero state.]

House Bill 386 by Representative Morris (Act 480) exempts newspapers from state and local sales tax. [Estimated cost/taxpayer savings = \$3 million FY09, \$750,000 per year thereafter.]

House Bill 929 by Representative Triche (Act 357) grants a tax credit for small businesses with gross receipts of \$500,000 or less if they failed to claim any inventory tax credit from 1999 through 2002. The credit is limited to \$10,000 per taxpayer and no more than \$500,000 of tax credits can be granted. [Estimated cost/taxpayer savings = unknown.]

House Bill 241 by Representative Baldone (Act 430) exempts construction materials purchased by Habitat for Humanity organizations in the state from both state and local sales taxes. [Estimated cost/taxpayer savings = \$180,000 per year.]

Senate Bill 243 by Senator Nevers (subject to call, House final passage) would have changed the termination date of January 1, 2008 for a tax credit to state contractors and subcontractors which provide health insurance. [Estimated cost/taxpayer savings = indeterminable, but not exceeding \$3 million per year.]

MM&E Tax Exemptions

The state sales tax on the purchase price or rental of machinery and equipment is being phased out by July 1, 2010. Forty-six percent of the price or rental is taxable as of July 1st of this year. The following bills include other machinery and equipment purchases in the phase-out, or accelerate that exemption to 100% for certain businesses:

Senate Bill 26 by Senator Nevers (Act 245) expands the option given to political

subdivisions to grant certain farm machinery and equipment an immediate or phased-in exclusion from the local taxes to include granting an exclusion for *any* machinery, equipment, supplies, materials, or services used or consumed in the business of farming. [Estimated cost/taxpayer savings = considered speculative because the exemption is optional.]

House Bill 633 by Representative Townsend (Act 1) is relative to machinery and equipment purchases by auto manufacturers. The immediate repeal of the tax for auto manufacturers is an incentive for General Motors to expand and retool its plant in Shreveport. GM is considering a \$70 million investment in the facility. [Estimated cost/taxpayer savings = \$1.68 million.]

House Bill 225 by Representative St. Germain (Act 429) is relative to machinery and equipment purchased by "shredding" recycling industries. [Estimated cost/taxpayer savings = "a few hundred thousand dollars" initially, less in later periods.]

House Bill 170 by Representative Farrar (Act 427) is relative to machinery and equipment used in the production of energy purchased by electric utilities regulated by the Public Service Commission or the City of New Orleans. [Estimated cost/taxpayer savings = \$2.4 million.]

House Bill 757 by Representative Salter (Act 339) provides for machinery and equipment used in the production of a news publication by a publisher to be included in the phase-out of taxes [estimated cost/taxpayer savings = \$454,000 in FY09 and up thereafter] and for machinery and equipment purchased by locally owned radio stations [estimated cost/taxpayer savings = \$96,000 per year].

Enterprise Zone

Senate Bill 250 (Act 271) and Senate Bill 352 (Act 279) by Senator Michot authorizes

businesses to receive the enterprise zone job credits if its employees are residents of *any* enterprise zone or is a non-resident and becomes domiciled in the state within 60 days. [Estimated cost/taxpayer savings = both fiscal notes indicate little loss, noting that it would take 200 employees to generate \$500,000 of credit.]

House Bill 372 by Representative Townsend (Act 400) revises and reforms the state's enterprise zone and quality jobs program tax incentives to allow the qualified business to opt for a refundable investment income tax credit rather than the current sales tax rebates. The measure also extends eligibility for participation in the Quality Jobs Program from Jan. 2008 to Jan. 2012. [Estimated cost/taxpayer savings = \$1 million per year.]

For Encouraging Investments

Senate Bill 124 by Senator Broom (Act 374) encourages investors to support business and housing developments in low-income neighborhoods, those who donate, contribute or sell items below cost to certified community development corporations and certified community financial institutions are eligible for income and corporate franchise tax credits. The credits are 25% of the investment with a limit on eligible investment set at \$500,000 for individuals and \$1 million for businesses. The business tax credits are spread out over five years. The tax credit program expires in August 2010. There are currently 15 housing organizations and 8 community development corporations certified by the Department of Economic Development. [Estimated cost/taxpayer savings = unknown, but notes that one successful solicitation of a single donor can generate up to \$200,000 - \$500,000 of cost per year.]

Senate Bill 188 by Senator Duplessis (Act 379) revises the state's new market tax credits to encourage more investment in low-income communities. Increases the \$5 million per year cap on the income and corporate franchise tax credits

to \$50 million over the life of the program which runs through Dec. 31, 2012. The tax credit rate is also increased from 11% spread out over seven years to 10% the first two years and 5% in the remaining years. Investments in an individual project subject to the tax credit are capped at \$15 million. [Estimated cost/taxpayer savings = \$50 million is the maximum exposure if all credits granted by the bill are taken through December 31, 2012.]

House Bill 795 by Representative Salter (Act 345) extends the Louisiana Community Development Financial Institution Act to allow \$5 million more credits in 2008 and \$5 million in 2009. The current law provides tax credits to federally chartered financial institutions that invest in low income and disadvantaged rural communities. The local investments often generate federal grants and other funds for the areas. There are currently 11 institutions participating in the program. [Estimated cost/taxpayer savings = \$5 million for the 2 years.]

House Bill 408 by Representative Cazayoux (Act 401) reestablishes the Technology Commercialization Credit and Jobs Program, granting a refundable tax credit for those who invest in fees and costs related to obtaining the rights to use or the use of technology and invest, by lease or purchase, in machinery and equipment used in the commercialization of a product or intellectual property owned or research sponsored by a regionally accredited college, technical school, or university located in La. or any product or intellectual property to which significant development or enhancement occurred in La. Also grants a refundable tax credit for new jobs created. [Estimated cost/taxpayer savings = "likely to be small".]

House Bill 141 by Representative Townsend (Act 182) extends the existing income and corporate franchise tax credit in R.S. 47:6019 provided to those who rehabilitate historic structures in downtown development districts to

January 1, 2012. The credit was set to expire Jan. 1, 2008. [Estimated cost/taxpayer savings = \$5 million per year for 3 years.]

House Bill 361 by Representative Townsend (Act 299) extends to January 1, 2013 income tax credits in R.S. 47:297.6 for rehabilitating owner-occupied residential structures with historical significance or vacant and blighted owner-occupied residential structure at least 50 years old. [Estimated cost/taxpayer savings = \$600,000 per year.]

Senate Bill 251 by Senator Adley (subject to call, House final passage) would have granted a credit against state sales tax of 6.5% of investments in construction, modernization, and/or expansion which exceeds \$5 million per year for wood and paper product and chemical manufacturers, limited to \$12 million per year. [Estimated cost/taxpayer savings = \$12 million.]

Senate Bill 135 by Senator Duplessis (conference committee report proposed) would have expanded the tax credit allowed for 25% of the cost of the rehabilitation of historic structures in downtown development districts [in R.S. 47:6019] to structures in federal renewal communities and federal and state designated structures and increased the credit from \$5 million per structure to \$7.5 million, and limited the maximum amount of credits which could be granted to \$60 million per year, and terminated the credit on January 1, 2012. [Estimated cost/taxpayer savings = refers to a "conservative" estimate of proponents of \$3.3 million FY08, \$24.1 million FY09, \$36.6 million FY10, \$45.1 million FY2011, and \$5.9 million FY2012, less a recovery by the state of 5 to 10% of such amounts by increased economic activity.] Would also have incorporated **Senate Bill 68 by Senator Cassidy (assigned to House Ways and Means)** by granting until January 1, 2010 a tax credit of 35% of monetary contributions of \$250 or more up to a maximum of \$100,000 per taxable year for academic purposes in support of baccalaureate,

graduate-level and professional degree academic programs or centers. [Estimated cost/taxpayer savings = \$3.3 million per year.]

CAPCO's

House Bill 892 by Representative Townsend (vetoed by governor) would have recreated the Capital Tax Credit (CAPCO) Program which terminated on June 30, 2003 and allowed it's continuance until January 1, 2010, or until the maximum amount of investment allowed in the bill had been certified. Eighty percent of investments in certified capital companies and economic development corporations made after January 1, 2007 would have been allowed as premium tax reductions for insurers, limited to \$6 million in 2007 and 2008, and \$4 million in 2009. [Estimated cost/taxpayer savings = \$6 million FY10; \$14 million FY11; \$20 million FY12; \$24 million FY13 to FY19; \$16 million FY20; and \$8 million FY21.]

House Bill 696 by Representative Pinac (vetoed by governor) would have allowed unused insurance premium tax credits granted from January 1, 2001 to December 31, 2006 under the Capital Tax Credit (CAPCO) Program to be transferred and claimed by various entities on their returns. [Estimated cost/taxpayer savings = zero, already accounted for in baseline forecasts.]

House Bill 870 by Representative Pinac (vetoed by governor) would have created a new Hurricane Recovery Capital Program and authorized investors in an investment pool certified as hurricane recovery capital (i.e. an investment of either cash or a note in exchange for either equity or a loan payable to the investor) to receive a transferable tax credit of 100% of their investment, limited to certification of \$45 million of capital each year. No capital could be certified after December 31, 2008. [Estimated cost/taxpayer savings = \$9 million FY10, \$18 million FY11 to FY14, and \$9 million in FY15.]

Arts, Entertainment, and Culture Tax Breaks

Since Louisiana started the motion picture tax credit program in 2002, \$2 billion worth of productions have occurred in Louisiana. So far in 2007, Louisiana has been the location for over \$400 million worth of major film productions. Encouraged by the perceived success of the motion picture tax credits, there was a significant effort in the Session to provide many tax incentives to make Louisiana an arts and entertainment center.

House Bill 936 by Representative Townsend (Act 456) [Senate Bill 349 by Senator Mount, similar bill] details what types of motion picture production facilities can qualify for state tax credits and caps the credits for any project at \$25 million. The measure also requires an independent audit of the qualifying projects and sets up an appeal process for those denied credits. The new restrictions do not apply to proposals currently under consideration for tax credits. Investors must actually expend funds, 20% or \$10 million, for an infrastructure project before claiming any credits. The state currently offers tax credits of as much as 40% for film industry infrastructure and as much as 25% for production costs. The production credits drop to 20% in 2010 and 15% in 2012. [Estimated cost/taxpayer savings = the fiscal note points out that there is now a \$25 million cap that was not in current law.]

Senate Bill 70 by Senator Michot (Act 368) extends the sound recording investor tax credit to January 1, 2010 and increases the credit for state-certified productions and state-certified musical recording infrastructure projects to 25% of investments in excess of \$15,000. [Estimated cost/taxpayer savings = using current projects, total cost would be \$327,000, but fiscal note points out that increased percentage "could add substantially to program costs."]

Senate Bill 218 by Senator Murray (Act 482) creates the Broadway Louisiana Initiative in an effort to attract new musical and theatrical productions to the state. The initiative offers the following types of refundable income tax credits

for musical or theatrical productions which originate, are developed, or have their initial public performance before a paying audience or their United States debut in the state, and for infrastructure projects to construct facilities related to musical or theatrical productions or performances:

- (1) "Base investment credits" for production expenditures and expenditures (until January 1, 2014) for infrastructure projects of :

10% if the investment is between \$100,000 and \$300,000.

20% if the investment is between \$300,000 and \$1 million.

25% if the investment is greater than \$1 million.

Infrastructure projects are capped at \$10 million of tax credits and there can be no more than \$60 million of tax credits granted for such projects per year. Construction of the infrastructure project must begin within 6 months of its initial certification and 25% of the investment provided in the "initial certification" must be expended before any credits may be earned. No credit is allowed for expenditures made for a project two years after its initial certification unless 50% of investment has been expended.

- (2) "Transportation expenditures" credits for a decreasing percentage of transportation expenditures of a production for hauling sets, scenery, costumes, etc. provided that transportation services are purchased through a company which has a significant business presence in the state. This credit phases out on January 1, 2013.
- (3) Employment of students in productions tax credit of one tenth of one percent of the amount expended to employ college and

vo-tech students in an arts-related position, as a technician, or working indirectly on the production in accounting, law, management, and marketing.

- (4) "Payroll of residents" of 10% of expenditures on payroll for any person who pays taxes to the state on the amount of money paid to such person. However, if the amount paid to any one person exceeds \$1 million, the additional credit may not include any amount paid to that person that exceeds \$1 million.

[Estimated cost/taxpayer savings = approximately \$11.2 million per year.]

House Bill 359 by Representative Townsend (Act 298) includes owner-occupied residences and mixed use structures in "cultural product districts" (which may contain affordable artist housing and work space) in the current tax credit allowed for such residences and structures in historic districts and downtown development districts pursuant to R.S. 47:207.6 and 6019. Original works of art and cultural products sold in the district will also be exempt from sales taxes. This measure also increases the limit on tax credits which may be granted from \$1 million a year to \$10 million a year and makes those tax credits permanent and available to developers in cultural product districts. [Estimated cost/taxpayer savings = if maximum use of credits, \$2 million per year, increasing by \$2 million a year thereafter.]

House Bill 366 by Representative Townsend (Act 299) renews and increases the income and corporate franchise tax credits available to qualified heritage-based cottage industries in the 13 parishes that compose the Atchafalaya Trace Heritage Area Development Zone. The tax credits, which expired Jan. 1, 2007, are extended until Jan. 1, 2012. The available tax credits for operations and new hires are increased from \$750 to \$1500. [Estimated cost/taxpayer savings = \$360,000 per year.] Also institutes

similar tax credits for heritage-based cottage industries located in the Cane River Heritage Region. This program also expires Jan. 1, 2012. [Estimated cost/taxpayer savings = \$250,000 per year.]

House Bill 495 by Representative Townsend (Senate subject to call, final passage) would have granted a deduction from taxable income for income received by artists, including royalties or licensing rights as follows:

- (1) The first \$50,000 is excluded.
- (2) 50% of the next \$50,000.
- (3) 25% of the next \$400,000.
- (4) 10% of any income exceeding \$500,000.

[Estimated cost/taxpayer savings = "maximum state tax revenue loss could be some \$7.5 million . . . {but} actual revenue losses would depend on significant factors that probably work to reduce that potential exposure."]

House Bill 568 by Representative Townsend (conference committee report adopted by the Senate) would have granted a total of \$3 million a year in tax credits until January 1, 2011 for investments in culinary arts food science activities and infrastructure at 10% if the investment is between \$15,000 and \$150,000; 15% if between \$150,000 and \$1 million; and 20% if in excess of \$1 million. [Estimated cost/taxpayer savings = \$3 million per year over the 4-year period.]

Social Services

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TAX CREDIT

Senate Bill 361 by Senator Duplessis et al (Act 394) grants School Readiness Tax Credits against income tax and corporate franchise tax for child care of a person five years of age or less. As listed below, the tax credit amount for the following groups are determined based upon the "quality rating" of the "child care facility" which the child attends.

Quality Rating of Child Care Facility	(1) Child Care Expense Tax Credit	(2) Child Care Provider Tax Credit	(3) Credit for business-supported child care
-----	Grants a <i>credit</i> against <i>individual</i> income tax for <i>child care expenses</i> .	Grants a refundable <i>credit</i> against any individual or corporation income tax or corporation franchise tax for " <i>child care providers</i> ".	Grants a refundable <i>credit</i> against any income tax or corporation franchise tax for the "eligible business child care expenses" of a <i>business</i> .
Five star	200%	\$1,500.	20%
Four star	150%	\$1,250.	15%
Three star	100%	\$1,000.	10%
Two star	50%	\$750.	5%
One star or non-participating facility	0	-0-	-0-

Further grants a refundable credit against individual income tax for "eligible child care directors" and "eligible child care staff" for the following amounts based upon the following qualifications:

Child Care Director & Child Care Staff Qualifications	Tax Credit
Level 4 Director or Level 4 Staff	\$3,000.
Level 3 Director or Level 3 Staff	\$2,500.
Level 2 Director or Level 2 Staff	\$2,000.
Level 1 Director or Level 1 Staff	\$1,500.

HEALTH CARE

Senate Bill 179 by Senator McPherson

(Act 220) merges the Huey P. Long Medical Center with the LSU Health Sciences Center at Shreveport to be operated primarily for the medical care of the uninsured and medically indigent residents of the state and others in need of medical care and as a teaching institution. Provides for the merger to become effective on July 1, 2007.

House Bill 512 by Representative Curtis (Act 153) expands the definition of venereal disease to include any other infectious disease primarily transmitted sexually from one person to another along with the current diseases of syphilis, gonorrhea, or chancroid. Further requires physicians who attend pregnant women, for pregnancy conditions, to take a sample of her blood and submit it to a laboratory for a standard diagnostic HIV test, unless the woman objects.

CHILDREN

Senate Bill 72 by Senator Broome (Act 119) allows the Dept. of Social Services to notify parents of children in register family child day care homes of a valid abuse finding as is currently allowed for similar findings in public or private day care centers. Further authorizes DSS to release to the Dept. of Education limited information as to valid findings of child abuse, neglect, or exploitation occurring at a family child day care home that is registered by that department.

Senate Bill 187 by Senator Ullo (Act 169) changes from a limited pilot program to a permanent program in all parishes or judicial districts the creation of truancy, assessment and service centers.

House Bill 669 by Representative Curtis (Act 334) makes necessary state law revisions to comply with the federal Safe and Timely Interstate Placement of Foster Children Act of 2006. Also provides that interstate placement is an option when removal is

appropriate for a child. Further provides that courts will consider in- and out-of-state permanent placement options.

House Bill 393 by Representative Winston et al (Act 95) provides for the Indigent Parents' Representation Program which shall provide qualified legal counsel to indigent parents in child abuse and neglect cases, subject to appropriation or the availability of other monies made available to the program.

House Bill 178 by Representative Doerge et al (Act 396) provides that prenatal neglect includes exposure in utero to chronic or severe use of alcohol that produces observable and harmful effects in the newborn's physical appearance or functioning. Further provides that a newborn is a child determined by a physician to be less than thirty days old.

State Government

by: *Tim Prather*
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Hoping to protect those employees who report wrongdoing, **Senate Bill 71 by Senator Broome (Assigned to Senate & Governmental Affairs)**, provides that an employer would not take retaliatory actions or **threaten** to take retaliatory actions against an employee. The bill would also provide that upon conclusion of an investigation or public hearing of a violation, and the board finds a violation has occurred, the alleged violation will be referred to the district attorney of the parish in which the violation occurred. The district attorney would have access to all records of the board relative to such findings.

The Board of Ethics would be required to develop posters regarding the employee protection law.

A similar bill protecting whistle blowers, **House Bill 340 by Representative White (Act 148)**, prohibits an employer from threatening to take retaliatory actions against an employee for disclosing certain improper or illegal acts of their employer. The bill requires an employee to report such threats to the board of ethics and requires the board to forward certain findings concerning criminal activity to the district attorney.

An employer is required to post information regarding the rights of public employees for such disclosure.

HOMELAND SECURITY

Looking to address deficiencies in the state's emergency preparedness system, **Senate Bill 274 by Senator Boasso (Assigned to Senate Commerce)** would create the office of interoperability within the office of homeland security and emergency preparedness. The bill would require that the office of interoperability be headed by a communications interoperability

director who will oversee, direct, and manage public safety and first responders interoperability programs and efforts identified in the Statewide Shared Communications System for First Time Responders, along with other duties and responsibilities. The communications interoperability director would report to the director of the office of homeland security and emergency preparedness.

The bill would further create the Statewide First Responders Interoperability Committee which will be composed of the following members:

- (1) The commissioner of administration, or his designee.
- (2) The adjutant general of the La. National Guard, or his designee.
- (3) The secretary of DOTD, or his designee.
- (4) The secretary of DW&F, or his designee.
- (5) The secretary of DHH, or his designee.
- (6) The executive secretary of the La. Public Service Commission, or his designee.
- (7) The president of the La. Sheriffs' Association, Inc., or his designee.
- (8) The president of The La. Association of Chiefs of Police, Inc., or his designee.
- (9) The president of the La. Fire Chiefs' Association, or his designee.
- (10) The chair of the Regional Parish Homeland Security and Emergency Preparedness Directors Committee, or his designee.
- (11) The chair of the House Committee on Administration of Criminal Justice, or his designee.
- (12) The chair of the Senate Judiciary B Committee, or his designee.
- (13) The chair of the Senate Select Committee on Homeland Security, or his designee.

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| <p>(14) One representative of the La. Broadband Advisory Council designated by the governor from a list of three nominees submitted by the council.</p> <p>(15) One representative of each of the nine regional interoperable communication working groups as established in Section 5 of Executive Order No. KBB 2006-17, assigned by each respective working group.</p> <p>(16) The deputy secretary of the Dept. of Public Safety and Corrections, public safety services, or his designee.</p> <p>(17) The chair of the La. House of Representatives Special Committee on Louisiana Homeland Security, or his designee.</p> | <p>(8) One representative of the La. Broadband Advisory Council selected by the chairman of the council.</p> <p>(9) One representative from local technology councils jointly selected by the president of the La. Technology Council, president of the Baton Rouge Technology Council, and president of the Northwest Louisiana Science and Technology Council and President of Zydatech.</p> <p>(10) he chief information officer, or his designee.</p> <p>(11) One representative of the La. Municipal Association selected by the president of the association.</p> <p>(12) One representative of the Police Jury Association of Louisiana selected by the president of the association.</p> <p>(13) One representative of the Louisiana Emergency Response Network selected by the chairman of the board.</p> <p>(14) Three representatives, each from separate professional disciplines, selected by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice with one being from state police.</p> |
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The Statewide First Responders Interoperability Committee would be allowed to recommend additions or deletions to the Statewide Communication Interoperability Plan, but that it has no authority to change any action taken by the Statewide Interoperability Executive Committee.

The bill would further create the Louisiana Statewide Interoperability Executive Committee (LASIEC) which will be composed of the following members:

- (1) The commissioner of administration, or his designee.
- (2) The communications interoperability coordinator, or his designee.
- (3) The attorney general, or his designee.
- (4) One information technology representative from post-secondary education to be appointed by the La. Post-secondary Education Information Technology Council.
- (5) The Senate president, or his designee who shall be a member of the Senate.
- (6) The House speaker, or his designee who shall be a member of the House.
- (7) The chief justice of the La. Supreme Court, or his designee.

The LASIEC would manage federal funds and additional sources of funding earmarked for interoperability. It further authorizes the committee to apply for, contract for, receive, and expend any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source.

ECONOMIC DEVELOPMENT

Seeking to boost the state's economy, **Senate Bill 301 by Senator Murray (Act 276)** creates the Louisiana Infrastructure Bank Fund, to fund or assist in funding "eligible infrastructure projects" of public and private entities through a revolving loan fund, to be capitalized by federal grants, state funds when required or available, and other funds generated by the operation of the fund.

The bill creates a board of directors which include the secretary of DED, the state treasurer, the chairmen of the Senate and House committees on commerce, and one representative of the banking industry chosen by the directors from a list of 3 provided by the Louisiana Banker's Association. The bank is authorized to review, accept, or deny all loan applications made by any public or private entity, but requires that all projects have prior approval of DED.

A governing authority of a political subdivision which secures a loan from the fund is required to provide a resolution which prescribes the details of the loan and authorizes an officer of the entity to execute a contract in conjunction with the loan.

ELECTIONS

Attempting to bolster voter turnout throughout the state, **Senate Bill 22 by Senator Boasso (Withdrawn from the files of the Senate)** would change the methodology for organizing a recall election in the state. Presently, a recall election will be called when a petition containing signatures of not less than 33-1/3% of the total electors of the voting area which elected the public officer are submitted to the governor requesting that an election be called for the purpose of recalling the official.

The bill would provide that for a recall election wherein less than 25,000 qualified electors reside within the voting area, the recall election will be called when a petition contains the signatures of not less than 33-1/3% of the number of the total electors of the voting area. For a recall election wherein 25,000 or more qualified electors reside within the voting area, or for a recall election of a statewide elected official or a state legislator, the recall election will be called when a petition contains the signatures of not less than 25% of the number of the total electors of the voting area. A statewide elected official, for the purposes of the bill, means the follows officials: governor, lieutenant governor, secretary of state,

attorney general, state treasurer, commissioner of agriculture, or commissioner of insurance or superintendent of education.

The registrar of voters would be required to certify information on the recall petition within 20 days of presentment.

Transportation & Development

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APPROPRIATIONS

The FY08 appropriation for DOTD in HB1 is \$545 million for an \$18 million increase over the prior fiscal year. The number of authorized positions of 4,892 reflects a net reduction of 97 positions.

The Parish Transportation Program provides an additional \$1 million over the prior fiscal year for a total of \$48.9 million as follows: Parish Road Program - \$40 million; Mass Transit Program - \$5.9 million; and the Off-system Roads and Bridges Match Program - \$3 million.

Supplemental Appropriations (**Act 208 - House Bill 765 by Representative Alario**):

\$150 million in State General Fund (direct) to DOTD for the Highway Program. It also allocates \$60 million to the I-49 North project and \$90 million for construction projects contained in the latest approved highway program.

\$35 million in State General Fund (direct) for the Port Construction and Development Priority Program.

\$450 million in State General Fund (direct) from the FY06 surplus to DOTD for the Highway Priority Program. The funds will be used on both those projects currently scheduled in the current year for which funding is unavailable and those that can be advanced from the FY08 and FY09 Highway Priority Program, and on pre-construction costs for essential capacity projects.

AIRPORTS

House Bill 841 by Representative Quezaire (failed to pass, conference committee) as amended in the Senate committee, would have increased the membership of the La. Airport

Authority from 27 to 30, by adding the mayors of Donaldsonville and White Castle and the president of the Assumption Parish Police Jury. The proposed legislation added additional powers of the authority, including:

- (1) To use, alienate, or lease land owned or acquired by the authority for economic development and industrial inducement purposes;
- (2) To lease all of the land owned or acquired by the Authority to a qualified entity for a period of time not exceeding 50 years;
- (3) To provide in the lease agreement that the lessee shall design, construct, finance, and operate an airport or an airport facility on the leased property; and
- (4) To create an executive committee consisting of the chairman and vice chairman of the board and five other board members selected by the board.

The board would have been authorized to grant to the committee the functions, powers, and authority of the board, including matters referred to the committee by the board not exceeding a liability or expenditure in excess of \$50,000, all subject to the general direction and control of the board. The board could have granted the committee the power to bind the authority on a matter which exceeds a liability or expenditure of the authority in excess of \$50,000 only if a majority of the members of the board approve the executive committee's action in writing.

Except for the identity of the negotiating company and trademarks and/or trade secrets which the company requests be kept confidential,

the authority would have been subject to the public records law. However, the North American Industry Classification System (NAICS) code classification of the company with whom the authority is negotiating would not be considered confidential.

And, an amendment was added on the Senate Floor that prohibited any member of the Louisiana Airport Authority Executive Committee or board from being eligible to serve if he had been found guilty of an ethics violation.

DWI

Act 96 (House Bill 422 by Representative J H Smith) expands the list of persons who are qualified to withdraw blood to determine the alcoholic content or presence of controlled dangerous substances to include physician assistants, emergency medical technicians, and nurse practitioners. Law currently authorizes physicians, registered nurses, qualified technicians, and chemists to withdraw blood.

Act 413 (House Bill 652 by Representative Wooten) increases the time of suspension of a driver's license upon a conviction, guilty plea, nolo contendere, and sentence for convictions of DWI, and other related vehicular offenses. The bill provides for the mandatory installment and maintenance of an ignition interlock device upon a motor vehicle used by a licensee who has been issued a restricted license by the court. The licensee with the restricted license must use the vehicle equipped with the interlocking device during the course of the term of the restriction, when the suspension of driving privileges arises from operating a vehicle under the influence of alcoholic beverages. When the driver's license is suspended, the ignition interlock device must remain on the motor vehicle for the same period as the suspension. The licensee must show a proof of need to receive the restricted license and then will be eligible for an ignition interlock restricted license sufficient to maintain livelihood

or to allow the licensee to maintain the necessities of life.

An amendment was added to the bill in conference which expands the list of persons who are qualified to withdraw blood to determine the alcoholic content or presence of controlled dangerous substances to include physician assistants, emergency medical technicians, and nurse practitioners. This amendment includes a provision that was omitted in House Bill 422, now Act No. 96, such Act expanding the same list.

HIGHWAYS

House Bill 414 by Representative Kleckley (Act 437) creates the Interstate 10 Corridor District, which is comprised of I-10 from the Texas border to mile marker 119 and all territory within five miles of each side of the highway (parts of Calcasieu, Jefferson Davis, Acadia, Lafayette, and St. Martin parishes). The district itself is prohibited from performing or contracting for highway improvements and all proposed improvements must be submitted to the metropolitan planning organization of the appropriate parish for review and approval. The bill also creates a commission to facilitate and promote the construction of transportation improvements, but not to construct nor to contract for construction of such improvements. The district is designated as an official depository for information relating to the development and construction of transportation improvements within the district and may receive money from any public or private body to defray the expenses of the commission incurred in the performances of its duties. The commission is specifically authorized to apply for, receive, and accept grants or contributions from any public entity.

Tolls. Law grants all firemen, whether in uniform or civilian clothes, free passage on toll bridges and ferries in the state and requires that the firemen sign a register when utilizing the right of free passage. **House Bill 507 by Representative Labruzzo (Act 100)**, however, requires that the

firemen be performing fire fighting or related duties, which includes traversing to and from their place of employment. Further, firemen may have free and unhampered passage if they have a toll tag decal affixed to their windshield.

House Bill 778 by Representative Pitre (Act 342) creates a mechanism to collect and enforce tolls on the LA 1 Project. All motor vehicles and trailers will be required to pay a toll for travel on the LA 1 Project. If nonpayment is evidenced by video or electronic recording, then the registered owner is liable to make prompt payment to the LTA of the proper toll and a possible administrative fee. The use of photographs, microphotographs, videotapes, or other recorded images produced by a photo-monitoring device may be used as evidence to prove liability.

Designation of highways and bridges:

See chart of legislation below.

Instrument/Status	Designation/Request	Highway/Bridge
Senate Bill 75 (Dupre) Act 120	<ol style="list-style-type: none"> 1. Veterans Memorial Hwy-3235 2. El Camino East/West Corridor 3. Military Order of Purple Heart 4. Memorial Interchange, Chapter 177 4. Charles I. "Doc" Hudson Hwy. 	<p>Portion of LA-3235 near Golden Meadow</p> <p>Portions of US-84 and LA-6</p> <p>The interchange of I-110/Harding Blvd. in EBR</p> <p>Portion of I-49 in St. Landry Parish</p>
Senate Bill 61 (Cain) Act 9	Doris Coleman Guillory Bridge	Hickory Creek Bridge on LA-110, west of Longville, in Beauregard Parish
HCR 18 (Crowe) enrolled	<u>Requests DOTD:</u> Clarence 'Gatemouth' Brown Memorial Highway	Portion of US-11 in St. Tammany Parish
HCR 21 (Hill) enrolled	<u>Requests DOTD:</u> Staff Sergeant William 'Bill' F. Manuel Memorial Highway	Portion of LA-26 in Allen Parish

Instrument/Status	Designation/Request	Highway/Bridge
HCR 29 (Trahan) enrolled	<u>Requests DOTD:</u> Vermilion Parkway	Portion of US-167 from its intersection with East and West Broussard Road (LA-733) in Lafayette Parish to its terminus in Vermilion Parish
HCR 43 (St. Germain) enrolled	<u>Requests DOTD:</u> Veterans Memorial Highway	Portion of LA-70 within Wards 7, 8, and 9 of Assumption Parish
HCR 60 (Dorsey) enrolled	<u>Requests DOTD:</u> Military Order of Purple Heart Memorial Interchange, Chapter 177	The interchange of I-110 at Harding Bld. in East Baton Rouge Parish
HCR 77 (Johns) enrolled	<u>Requests DOTD:</u> Reverend A. L. O'Brien Memorial Highway	Portion of Louisiana Highway 109 in Calcasieu Parish
HCR 78 (J H Smith) enrolled	<u>Requests DOTD:</u> Purple Heart Recipients Highway	Portion of I-20 from the I-20/I-49 Interchange in Caddo Parish to the I-20/I-220 Interchange in Bossier Parish

INCIDENT MANAGEMENT

Senate Resolution 45 by **Senator McPherson (enrolled)** establishes a task force to develop and propose a statewide traffic incident management plan which includes a standard of practice for a more efficient management of roadway incidents. The Resolution specifies certain stakeholders to serve on and contribute their expertise to the work of the task force. A report of recommendations, including proposed legislation, will be submitted to the Senate Committee on Transportation, Highways and Public Works by April 1, 2008.

House Concurrent Resolution 74 by **Representative Durand (enrolled)** requests DOTD, in conjunction with La. State Police and the La. Sheriff's Association, to study alternative methods to divert traffic on bridges and highways throughout the state after motor vehicle accidents have occurred.

LEVEES

Act 259 (Senate Bill 156 by **Senator Butch Gautreaux)** creates and provides for the St. Mary Levee District and provides for the appointment of its levee board. The Act further removes any lands in St. Mary Parish from the authority of the Atchafalaya Basin Levee District and instead provides that all lands in the parish be embraced within the new levee district.

Act 133 (Senate Bill 310 by **Senator Ann Duplessis)** clarifies and ratifies that the ownership of facilities or improvements, not directly related to flood control or saltwater intrusion ("non-flood assets"), remains in the Orleans Levee District.

Lafourche levee districts. Under current law, the North Lafourche Conservation, Levee and Drainage District is required to make payments to the Lafourche Basin Levee District because the Lafourche Basin district continues to provide mainline Mississippi River levee protection which

is beneficial to Lafourche Parish. The payments are to be made in certain percentages from ad valorem property taxes received by the North Lafourche district from the first 5 mills of such tax that it levies for levee protection and the mineral revenues received on any lands within the boundaries of the North Lafourche district that were previously owned by the Lafourche Basin district. **Act 134 (Senate Bill 326 by Senator Dupre)**, however, provides for the North Lafourche and Lafourche Basin districts to share both the ad valorem property taxes received from such tax levied annually, not to exceed 5 mills for levee protection on lands located in Lafourche Parish lying north of the northern bank of the Intracoastal Canal and east of Bayou Lafourche, and the mineral revenues received on any lands within the territorial boundaries of the North Lafourche district that were previously owned by the Lafourche Basin district in the percentages as follows:

- (1) 2007 tax year: 35% to the Lafourche Basin district and 65% to the North Lafourche district of such levied 2006 ad valorem property taxes received and mineral revenues received by the levee districts.
- (2) 2008 tax year: 25% to the Lafourche Basin district and 75% to the North Lafourche district of such levied 2007 ad valorem property taxes received and mineral revenues received by the levee districts.
- (3) 2009 tax year and each tax year thereafter: 15% to the Lafourche Basin district and 85% to the North Lafourche district of such levied 2008 ad valorem property taxes received, and such levied ad valorem property taxes received each year thereafter, and mineral revenues received by the levee districts.

The shared ad valorem taxes received annually must be remitted within 30 days of receipt, and the shared mineral revenues on lands must be remitted on a quarterly basis. The bill also included a provision that made a technical

correction by removing provisions related to the use of tax money from Lafourche Parish by the Lafourche Basin Levee District, since that parish is no longer situated within the district. **Senate Bill 47 by Senator Butch Gautreaux (Senate committee)** also addressed this technical correction, but was voluntarily deferred to simply move the one bill forward.

House Bill 413 by Representative Tucker (Act 475) reorganizes and creates certain levee districts. The portion of the parish of Orleans on the west side of the Mississippi River is formed into a levee district, known as the Algiers Levee District, to be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank, and includes provisions for the distribution of tax proceeds. As approved in conference, the West Jefferson Levee District is also reorganized by dividing the district into the West Jefferson Levee District and the Lafitte Area Independent Levee District.

House Concurrent Resolution 67 by Representative Odinet (enrolled) memorializes Congress to take such actions as are necessary to expedite the repair and rebuilding of the St. Bernard Parish levee system by all appropriate federal agencies and to immediately close the Mississippi River Gulf Outlet.

MOTOR CARRIERS

Act 365 (Senate Bill 9 by Senator Hines) extends the date until August 1, 2012, which the DOTD secretary may continue to issue annual special permits to any owner or operator of a vehicle hauling sugarcane who has not added an additional single axle on the sugarcane trailer for a total of six axles for the vehicle and trailer combination. An amendment was added to allow a refundable tax credit for either the acquisition of an eligible sugarcane trailer which replaces an ineligible sugarcane trailer or for conversion of an ineligible trailer to an eligible trailer.

Current law requires all service and installation personnel, fuel transfer personnel, carburetion mechanics, and tank truck drivers employed by a dealer to pass a personnel competency test administered by the LP Gas Comm. and possess a current personnel competency card. **Senate Bill 275 by Senator Nick Gautreaux (Act 273)** retains other permit requirements, but excepts drivers transporting 300 gallons or less of liquefied petroleum gas in 25 gallon or more containers which conform to USDOT specifications.

MOTOR VEHICLES

Driver's Licenses. **Act 190 (House Bill 407 by Representative Karen Carter)** extends the sunset date to August 15, 2011 for the \$1 fee added upon issuance or renewal to all drivers' licenses, including commercial drivers' licenses, used for public service announcements and for the education and training of drivers of motor vehicles regarding littering or to finance local littering enforcement activities.

Act 61 (House Bill 897 by Representative Kennard) requires the holder of a commercial driver's license to be disqualified from driving for committing certain offenses while driving a commercial motor vehicle or private motor vehicle. The bill also provides that a commercial driver's license holder will not be eligible for a 10-year reinstatement if the commercial driver's license holder is convicted of a felony involving manufacture or distribution of a controlled substance while operating a noncommercial vehicle.

License Plates. **Act 123 (Senate Bill 95 by Senator Amedee)** exempts a veteran of service in the U.S. Armed Forces from the payment of fees for a driver's license if the veteran was honorably discharged, has a service-related disability of at least 60%, receives compensation from the federal government because of such disability.

The *Chez nous autres* prestige license plate, the U.S. Army Airborne prestige plate, and the Archbishop Hannan High School and Jesuit High School plates are created by **House Bill 315 by Representative LaFleur (Act 434)**.

In order to be eligible for a driver's license, a citizen of another country must be legally authorized to be in the U.S. for at least 180 days. **Act 112 (House Bill 766 by Representative Fannin)** provides an exception for citizens of another country who are employed in the agricultural industry and requires that such applicants be legally authorized to be in the U.S. for at least 60 days. The office of motor vehicles may issue the driver's licenses that are valid only as long as the driver has lawful presence in the U.S.

School buses. Under current law, a driver must stop his vehicle no less than 30 feet from a school bus that has stopped for the purpose of receiving or discharging children and activated its visual stop signals. The driver is authorized to notify the appropriate law enforcement agency of any violation within 24 hours of the violation, and the color and license plate number of the vehicle. **Act 60 (House Bill 853 by Representative Honey)** requires instead that the notification be on a form provided to the school bus driver by the school board, signed under penalty of criminal prosecution, in the presence of two witnesses.

Visual Display. **Act 45 (House Bill 398 by Representative Greene)** expands the use of visual display technology by the driver of a motor vehicle to include a display of the front of the motor vehicle.

PUBLIC CONTRACTS

Senate Bill 121 by Senator Murray (Act 373) authorizes the following public entities to utilize the design-build method in the construction or repair of any public building or structure which has been destroyed or damaged by Hurricane Katrina, Hurricane Rita, or both: the division of

administration; the Recovery School District; the city of New Orleans; and parish governments in Calcasieu, Cameron, Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, and Vermilion Parishes and the Port of New Orleans. Also, the measure provides for the retroactive application for the construction or repair of any public building or structure in Calcasieu, Cameron, Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, and Vermilion parishes and the Port of New Orleans. Also included within this authorization, for the project to enclose approximately 500 feet of Corporation Canal that runs adjacent to the University Lab School on the Baton Rouge campus, which has been funded through the Interim Emergency Board to LSU, East Baton Rouge Parish may assist in the project through use of its own employees.

Act 386 (Senate Bill 280 by Senator Ellington) increases the "contract limit" for DOTD contracts which are subject to certain advertising and bid requirements from \$250,000 to \$500,000. This was deemed necessary because of increased construction costs attributable to inflation, particularly since Hurricanes Katrina and Rita in 2005. The contract limit also defines the maximum dollar value of projects that can be let with a 10-day notice period. Contracts estimated to cost from \$50,000 to \$500,000, except for federal-aid jobs, usually are let in DOTD district offices, commonly known as "letter bids." Contracts with estimated construction costs equal to or greater than \$500,000 require a minimum 21-day advertisement period.

Contracts over the "contract limit" of \$500,000 must be advertised for bids, except in emergencies, in the official journal of the state and through an electronic bid system for a period of three years, until July 1, 2010. Thereafter, DOTD will have the option of advertising for bids in the official journal of the state or through an electronic bid system, or both.

At the regularly scheduled construction letting in February, 2007, a total of 69 bids were received for 22 projects. Of the 69 bids, 53 bids (or 77%) were received electronically. This was the highest percentage of electronic bids received in a regular letting. Electronic bidding decreases the number of bid errors and benefits DOTD by reducing the amount of manual bid checking and manual data entry on bid letting day. And, the bill requires a bid bond on projects with an estimated cost of \$50,000 or more. Current law requires a performance bond on projects with an estimated cost of \$50,000 or more.

Contractors must pre-qualify, under current law, when contracting for the repairs, renovations, or reconstruction of state-owned structures which are listed on the National Register of Historic Places. **Act 24 (House Bill 198 by Representative McVea)** requires the East Feliciana Parish governing authority to comply with the pre-qualified bidding process in the restoration of the parish courthouse.

Applicable to most local entities, the public bid law requires advertising for purchases in excess of \$20,000, and provides that purchases between \$10,000 and \$20,000 be made by obtaining at least three telephone or facsimile bids. The Lake Charles Harbor and Terminal District, however, must advertise for bids when purchasing materials, equipment, and supplies in excess of \$10,000. **Act 37 (House Bill 316 by Representative Kleckley)** removes the special procurement provisions for the Lake Charles Harbor and Terminal District and requires that the district solicit bids if and as required by the general law applicable to local governments.

Act 336 (House Bill 726 by Representative Downs) extends effectiveness until July 31, 2008, the authorization for a local government to undertake work costing up to \$300,000 with its own employees if: (1) the local government did not have flood insurance at the time of Hurricanes Katrina and Rita, and (2) the

public work being done is to repair damage caused by one of the hurricanes.

TRANSPORTATION & DEVELOPMENT DEPT

Act 33 (House Bill 302 by Representative Quezaire) abolishes the Hurricane Flood Protection Advisory Commission within DOTD, a commission which would have sunset on June 30, 2008 under present law. The measure also adds the chairmen of the House and Senate transportation committees or their respective designees to the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation.

Act 40 (House Bill 339 by Representative Quezaire) authorizes DOTD to establish a "Small Engineering Consultant Program" to annually pre-qualify small engineering consultant firms to perform preconstruction engineering services on projects selected by the department. Under the program small engineering firms (not more than three engineers) are pre-qualified for preconstruction engineering services on small DOTD projects (estimated construction costs below \$500,000), pursuant to certain qualifications and requirements.

Wildlife & Fisheries

by: Arthur McEnany
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ANIMALS

Senate Bill 117 by Senator Malone (failed House final passage) prohibits the intentional feeding of wild alligators. Provides exceptions to people who in the performance of their official duties feed alligators maintained in licensed alligator farms, zoos, exhibits or research facilities. Also provides an exception to licensed swamp tour guide operators under certain circumstances. Provides for a warning ticket on the first violation, but a fine and possible imprisonment for a second or subsequent violations.

BOATS AND BOATING

House Bill 524 by Representative Jack Smith (Act 319) requires the registration of new boats, purchased for more than \$2,500.00, after July 1, 2008 with the department. The registration fee would total \$26.00.

FUNDS & FUNDING

House Bill 919 by Representative Alario (Act 455) dedicates all mineral revenues from the Attakapas Wildlife Management Area, or the area known as the Attakapas WMA in the absence of the governor's proclamation, to the Louisiana Wildlife and Fisheries Conservation Fund.

FISH/FISHING

House Bill 311 by Representative Jack Smith (assigned to Senate Natural Resources) would have exempted a wholesale/retail seafood dealer purchasing crawfish from a licensed commercial fisherman from trip ticket requirements for two years until 2009.

House Bill 830 by Representative Wooten (assigned to House Natural Resources) would have allowed the commercial harvest of finfish using a fish trawl net.

HUNTERS/HUNTING

Senate Bill 19 by Senator McPherson (Act 7) exempts certain disabled residents from paying the \$15 Wildlife Management Area hunting fee.

House Bill 397 by Representative Smiley (assigned to Senate Natural Resources) would have authorized the use of dogs to hunt deer in the Maurepas Swamp Wildlife Management Area.

House Bill 599 by Representative Wadell (subject to call-Senate final passage) expands the types of primitive weapons that may be used during the special muzzleloader season to include rifle or pistol of a .44 caliber minimum; a shotgun of 10 gauge or smaller; an "in-line" muzzleloader; or a single shot, breech loader rifle using a metallic cartridge of .38 caliber or larger. Any of these weapons may use a magnified scope during the primitive weapons season. Provides further that the special muzzleloader season shall be for two weeks after the end of the regular deer season. Effective March 1, 2008.

WATER/WATERWAYS

House Bill 777 by Representative Jack Smith (Act 450) would have authorized the Northwest Game and Fish Commission to employ legal counsel and to empower the commission to bring or continue any legal proceeding it deems necessary.

WILDLIFE/FISHERIES DEPT

House Bill 327 by Representative Lambert (Act 84) provides that the intentional concealment, destruction, or deposit of any illegally taken or possessed fish, wildlife or other animals to avoid any possible criminal proceeding shall be a class six violation.

Women & Children

by: *Bobbie Hunter*
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Senate Concurrent Resolution 58 by Senator Mount (Filed with the Secretary of State) creates the Louisiana Task Force on Domestic Violence to study current law and practices in response to domestic and dating violence, and make recommendations for legislation to the Legislature no later than March 1, 2008. SCR 58 requires that the president of the Senate or his designee shall convene the first meeting of the task force no later than September 1, 2007. Additionally, the task force shall report its finding, together with recommendations for legislation, to the legislature no later than March 1, 2008.

House Bill 158 by Representative Hunter (Failed House Final Passage) creates the Equal Pay for Women Act. HB 158 provides for the equal payment of wages, for definitions for what constitutes as equal pay, as well as providing for a complaint procedure and providing for damages. Among other stipulations, HB 158 provides that the public policy of the state is declared to be that paying unequal wages based on sex unjustly discriminates against the person receiving the lesser rate.

House Bill 25 by Representative Crowe (Act 282) provides relative to the performance of abortions. HB 25 requires the inclusion of information related to the possibility of fetal pain as a requirement to informed consent prior to the performance of an abortion. Such information must be given to a woman at least 24 hours prior to a procedure, orally and in written form. Additionally, HB 25 mandates that the Department of Health and Hospitals publish, in English, printed materials that contain the following statement:

"By 20 weeks gestation, the unborn child has the physical structures necessary to experience pain. There is evidence that by 20 weeks gestation unborn children seek to evade certain stimuli in a manner which in an infant or an adult would be interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are 20 weeks gestational age or older who undergo prenatal surgery."

House Bill 178, by Representative Doerge (Act 396) provides relative to parental neglect. HB 178 expands the provision and definition of parental neglect to include newborns exposed to chronic or severe use of alcohol during pregnancy are properly identified in order to receive treatment services. Neglect includes exposure in utero to chronic or severe use of alcohol that produces observable and harmful affects in the newborn's physical appearance or functioning. HB 178 additionally provides for the definitions of a newborn child as a child determined by a physician to be less than 30 days old. Requires a physician to order toxicology tests in the event an infant has been exposed to illegal drugs during pregnancy, and such physician is required to issue a report to the local child protection agency if the results are positive.

House Bill 970 by Representative Cazayoux (Act 460) provides for a comprehensive revision of the sex offender registration and notification provisions, incorporating requirements of the federal Adam Walsh Child Protection and Safety Act of 2006. The following are the major changes:

- (1) Amends the definition of "aggravated offense" and requires those offenders to register for life.

- (2) Adds the definition of "sexual offense against a victim who is a minor" and requires those offenders to register for a period of 25 years.
- (3) Provides that all other sex offenders shall register for a period of 15 years.
- (4) Requires juveniles over the age of 14 who have been adjudicated delinquent for certain offenses to register with local law enforcement agencies.
- (5) Requires sex offenders and child predators to register with the sheriff of the parish of residence, where the offender attends school, where the offender works, and in the parish of conviction.
- (6) Requires the offenders to provide additional information to law enforcement upon registration.
- (7) Decreases the time period in which an offender has to register from 10 days to three business days.
- (8) Requires in-person verification by the offender on a periodic basis. Those convicted of an aggravated offense must verify registration every three months, those convicted of a sexual offense against a victim who is a minor must verify registration every six months, and all other sex offenders shall verify on an annual basis.
- (9) Amends the procedures in which the sex offender must notify law enforcement of a change of address.
- (10) Amends the community notification requirement regarding notification to the superintendent of park, playground, and recreational districts.
- (11) Consolidates provisions regarding emergency procedures for sex offenders who are displaced or evacuated.
- (12) Amends the provisions regarding the duties of the Dept. of Public Safety and Corrections, the Bureau of Criminal Identification and Information, and the courts regarding their obligations to notify offenders of their registration and notification requirements.
- (13) Amends provisions relative to the Sex Offender Registry Technology Fund to provide that for 2007-2008 FY, residual monies shall be appropriated to the office of the attorney general, \$200,000 of which shall be allocated for acquisition, implementation, and support of a computer system to assist sheriffs to monitor and track offenders. For 2008-2009 FY, \$150,000 shall be allocated to the office of the attorney general, \$50,000 for personnel and other costs, and \$100,000 for maintenance costs.
- (14) Adds new provision which provides that court records are subject to disclosure to the district attorney, sheriff, or other law enforcement officers for the purpose of fulfilling their duties with regard to sex offender registration and notification requirements, without the necessity of obtaining a court order or other authorization for release of such records.
- (15) Provides that the crime of failure to register shall include the failure to register, periodically renew and update registration, provide proof of residence, notification of change of address, or other registration information, or community notification. Provides that knowingly providing false information to law enforcement shall also constitute a failure to register.

- (16) Require community notification to be made upon change of residence or every five years.
- (17) Provides that the court may waive sex offender registration and notification requirements in cases of felony carnal knowledge when the victim is 13 years or older and the perpetrator is less than four years older than the victim. Prohibits waiver of these requirements in all other cases, and provides that any order waiving such requirements shall be null and void.

House Concurrent Resolution 40 by Representative Crowe (Filed with the Secretary of State) urges law enforcement agencies to collect information from sex offenders regarding their online identities. Requests sheriffs and municipal police departments of this state to consider collecting from sex offenders information regarding their e-mail addresses, user names, and instant messaging screen names and additionally requests all judges to order as a condition of any sentence and probation that the defendant provide all such information to his probation officer which shall be made available to law enforcement.

Issue by Issue

by: Brenda Hodge
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OVERVIEW:

The 2007 Regular Session was limited to the consideration of specific spending and tax proposals as well as a limited number of bills dealing with other matters. Up for debate were bills relating to property insurance reform, health care policy, governmental ethics, highway safety, public safety and more. In the end, legislators finally approved 500 bills.

As to the money issues, lawmakers faced the challenge of deciding how best to invest the unexpected state revenues to not only help the storm-impacted areas of the state to continue to recover, but also to help families and communities across the state to grow and thrive. The State Legislature had to balance the need to invest in programs important to our state's long-term future such as education, economic development and infrastructure with the desire to return some of those unexpected state revenues to citizens and businesses through tax breaks and tax incentives.

THE SPENDING ISSUES

The budget debate centered around three different pots of money - the certified budget surplus from the 05-06 budget year (\$827 million), the increased state revenue collections in the 06-07 budget year that were not yet appropriated in any budget (\$1.5 billion) and the increased revenue collections forecasted over the legislatively adopted 06-07 budget for the 07-08 budget year.

The State Constitution entered the debate on two fronts. First, the prior year budget surplus of \$827 million could only be used for specific one-time expenses outlined in the constitution such as capital construction, infrastructure projects, payments to the rainy day fund, coastal and hurricane protection and state retirement debt. Second, the surplus funds and most of the

unappropriated increased revenues in the 06-07 budget year could not be used until the legislature agreed by a two-thirds vote to increase the annual state spending limit as set out in the State Constitution.

- The 07-08 State Operating Budget - **ACT 18** (HB 1 - Alario) - Totals \$29.7 billion including \$8.4 billion in federal hurricane recovery dollars. The budget is a 3.3% increase over the 06-07 budget, including the federal hurricane recovery dollars.
- The supplemental appropriations bills allocate funds from the 06-07 state fiscal year as well as the certified prior year budget surplus from the 05-06 state fiscal year. The major supplemental appropriations bill, **ACT 203** (HB 765 - Alario), allocates about \$1.9 billion including \$1.3 billion for one-time construction and infrastructure projects, about \$550 million for general expenses like the Road Home program and about \$42 million to pay legal judgments against the state.
- The state capital outlay bill, **ACT 28** (HB 2 - Townsend), totals over \$6.7 billion - about \$2.9 billion from various cash sources and about \$4.37 billion in bond authorizations. In total, state budget officials received over \$3 billion in requests for discretionary construction funding for the 07-08 budget. Of that amount, 56% of the requests were from state agencies, 44% from non-state agencies.
 - On-going projects listed in Priority 1 total over \$763 million.
 - New and renewed projects listed in Priority 2 total over \$531 million.

- Since the amount of new indebtedness the state can issue each year is limited by the State Constitution, the state will be able to issue only \$138.2 million worth of bonds or lines of credit for the new and renewed projects - or just a little over 25% of those in Priority 2.

STATE SPENDING PRIORITIES

- Education - including pay raises for teachers, school support workers and college faculty; increased funding for early childhood education; initial implementation of the high school redesign plan; full funding of the higher education formula; additional funds for classroom technology as well as technology upgrades at the state's community and technical colleges; and dollars for a new need-based higher education scholarship program.
- Health Care & Family Support - including increased funding for uninsured children health care; additional money for rural health, mental health and addictive disorders; increased funding for community hospitals and health care professionals providing services to the needy; increased funding for public and private nursing and allied health training programs; money to implement the redesign of the state's health care delivery system; additional funds for waiver slots; and increased funding for foster care rate increases.
- Infrastructure & Economic Development over and above capital outlay bill projects - \$600 million for road repairs in the supplemental appropriations bill; \$200 million for coastal restoration and hurricane protection; \$42 million for port repairs and expansions; \$150 million for a mega-projects fund to invest in the infrastructure needed for major new economic development projects or

expansions, including \$50 million for a proposed research project at Barksdale Air Force Base in Bossier City; additional funds for repairs at our colleges and universities and investments in disease research and technology research facilities.

- Salary adjustments and incentive pay including pay increases for state employees and additional pay incentives for state police and state workers in agencies where turnover is high, such as corrections, probation and parole; increases in state supplemental pay for firefighters and law enforcement officers and pay increases for poll commissioners.

TAX & ECONOMIC DEVELOPMENT ISSUES:

There were over 400 bills that impacted state revenue collections through proposed tax credits, tax exemptions and other changes in state tax policy introduced for consideration at the session. As to the measures that finally passed, the Legislative Fiscal Office estimates the tax savings and impact on state revenues total nearly \$184 million this budget year and \$418 million in the following budget year when a number of the tax incentive measures are scheduled to take effect.

Sales Tax-Free Holiday

- **ACT 244** (SB 3 - Marionneaux) - Sets up an annual state sales tax holiday the first Friday and Saturday in August. The act exempts up to \$2,500 of an individual's purchase from the state's sales tax. The tax break does not apply to meal and vehicle purchases. The August sales tax holiday will be helpful for families making purchases in preparation for the up-coming school year. The bill originally called for a one week holiday, but was reduced in the House to three days and reduced further to two days in conference committee. The measure will save taxpayers about \$6 million in state sales taxes in the coming state budget year.

- **ACT 429** (HB 225 - St. Germain) - Provides for a state sales tax exemption for the first \$1500 worth of certain storm-related purchases made on the last Saturday and Sunday of May each year in preparation for the hurricane season. The savings to taxpayers is estimated at about \$2 million a year. The conference committee added a state sales tax exemption on equipment and machinery purchases by "shredding" industries.
- **ACT 278** (SB 341 - Jackson) - This measure establishes a refundable state earned income tax credit tied to the federal credit, the first such refundable tax credit in the South. The state credit is 3.5% of the federal credit available to low income taxpayers - those with incomes less than or equal to the federal poverty level. The estimated tax relief available to low income taxpayers is \$40.5 million a year. The new credit, which amounts to a maximum of about \$160 per taxpayer will take effect in the 2008 tax year. It is estimated that over 500,000 working families will be helped with the new credit. Louisiana has the highest rate of child poverty in the nation with nearly 30% of its tax filers claiming the federal earned income tax credit - the second highest percentage in the country. Supporters claim the earned income tax credit acts as a kind of savings account for the working poor, providing cash sums at the end of the tax year for much needed family expenses.

Stelly Tax Plan Reforms

There were dozens of bills prefiled affecting the Stelly Plan income tax changes. The annual impact of the different measures ranged from \$130 million to more than \$700 million depending on what part of the Stelly tax shift was addressed.

- **ACT 399** (HB 365 -Townsend/Adley) - This measure restores the ability of taxpayers to deduct their excess federal itemized deductions on their state personal income taxes as they were allowed to do prior to the Stelly Plan. As to this measure, the eligible excess itemized deductions are deductions taken on federal income taxes for home mortgage interest, gifts to charity, and medical and dental expenses over and above the standard deduction. This tax year taxpayers will be allowed to deduct 57.5% of the excess itemized deductions. The allowable deduction moves to 65% in 2008 and 100% in 2009 as would have occurred without the Stelly changes. The restoration of the excess itemized deduction as outlined in this measure will save taxpayers about \$157 million this year with the annual tax savings growing to \$308 million when fully implemented at 100%. Taxpayers who have relied on the excess itemized deductions in the past are carrying 89% of the increased state income tax load under the Stelly changes.
- **ACT 394** (SB 361 - Duplessis) - Establishes refundable school readiness tax credits for families, child-care providers and employers related to child care services provided to children five years of age or younger enrolled in a quality-rated child care facility beginning Jan. 1, 2008.
 - The amount of the income tax credit for families is tied to the child tax credit already allowed under state law and the quality rating assigned to the facility in which the child is enrolled. No tax credit is available for children enrolled in non-rated or "one-star" facilities. The tax credit is refundable for low income families only. Others may carry forward the credit for five years.
 - The tax break for day care center operators is tied to the number of low income children served and the

center's quality rating. The additional tax credits for day care directors and employees depend on the level of training and quality rating.

- Tax credits are also available to businesses that invest in developing quality-rated child care facilities and/or assist employees with child care services.
- The Department of Social Services will develop the new rating system for day care centers, with the top programs getting five stars and the lowest one star.
- The tax credits are designed to improve the quality of child care, especially for low-income children; to encourage low-income families to enroll their children in quality day care centers and to encourage employers to provide child care benefits to employees. The estimated cost of the tax incentives in the first year of implementation is \$7.1 million with the costs increasing to \$24.7 million in 2010 as participation in the program increases.

State Sales Tax Exemption for Meal Items Purchased by Non-Public Schools and Non-Profits & for Construction Materials Purchased by Habitat for Humanity

- **ACT 430** (HB 241 - Baldone) - Exempts meal items purchased by non-public schools and non-profits participating in the National School Lunch and School Breakfast Program, which distributes federal funds to provide free or reduced-cost breakfasts and lunches to needy students in private and public schools, from state sales taxes. This measure also exempts construction materials purchased by Habitat for Humanity organizations in

the state from both state and local sales taxes. The state tax exemption on food purchases amounts to \$412,000 in tax breaks a year. The exemption for Habitat for Humanity construction purchases equals to a \$180,000 estimated annual tax savings. The tax exemptions are effective Oct. 7, 2007.

Tax Credit for Job Training

- **ACT 472** (SB 332 - Nevers) - Establishes a non-refundable apprenticeship tax credit for businesses who hire workers as part of an approved apprenticeship program. Employers are eligible for state income or franchise tax credits equal to \$1 for each hour of employment of the apprentice up to 1000 hours. The credits may be carried forward for up to ten years. The measure is effective Jan. 2008 and sunsets in Jan. 2012. The estimated tax savings to employers is about \$3.5 million a year.

Sales Tax Refund for Non-Profit Organizations

- **ACT 464** (SB 65 - Adley) - Allows non-profit organizations that resell donated items or products made from donated items to get a refund for the sales taxes charged on such sales. Organizations that spend at least 75% of their annual revenue on job training, job placement, direct employment or related community programs for disadvantaged or disabled workers are eligible for the refund. Any sales tax refund must be used in connection with such services or capital construction or debt service of the organization. The new tax credit takes effect January 1, 2008. The fiscal impact in 2008 will be about \$345,000, with a \$690,000 annual cost in the years after.

Income Tax Deduction for Recreation Volunteers & Volunteer Firefighters

- **ACT 458** (HB 949 - Marchand) - Provides a \$500-a-year state income tax deduction to those who serve at least 30 hours a year as registered volunteers for recreation departments and for certified volunteer firefighters. The deductions are effective for this tax year and are expected to have a minimal impact on state revenues.

Tax Exemption for Off-Road Vehicle Purchases

- **ACT 291** (HB 231- Montgomery) - Exempts the sale of off-road vehicles to out-of-state consumers from state sales tax if the buyer signs an affidavit to pay the applicable sales tax in his/her home state beginning Oct. 7, 2007. The exemption applies only if the buyer's home state provides a similar exemption for Louisiana consumers. This measure carries a \$100,000 a year price tag.

Sales Tax Exemptions for Paper and Pulp Mills and Water Conservation Equipment

- **ACT 471** (SB 331 - Ellington) - Provides forest product manufacturers a permanent state sales tax exemption on electricity and natural gas purchases. The current limited tax break for such purchases by forest product manufacturers is set to expire the end of next year. *The House added HB 944 (Gallot) to this measure to exempt the purchase of water conservation equipment by large water users from state sales taxes in the Sparta Groundwater Conservation District.

Business Utility Tax Exemptions/Reductions

- **ACT 439** (HB 464 - Townsend) - Makes permanent the state sales tax exemption on utilities used by steel mills and blast furnaces housed in the state as long as they employ at least 125 workers. The current exemption, which provides about \$210,000 in tax breaks to the industry, expires July 1. This tax break basically applies to one

industry in south Louisiana which has benefitted from the tax break for 9 years.

State Sales Tax on Machinery and Equipment

The state sales tax on the purchase or rental of business machinery and equipment is being phased out by July 1, 2010. This fiscal year, 46% of the purchase or rental price is subject to state sales taxes.

- **ACT 1** (HB 633 -Townsend) - Repeals the state sales tax on business machinery and equipment purchases by auto manufacturers. The immediate repeal of the tax for auto manufacturers is an incentive for General Motors to expand and retool its plant in Shreveport. GM is considering a \$70 million investment in the facility. The tax incentive will mean \$1.68 million in tax savings for the plant.
- **ACT 209** (HB 240 -Townsend) - In an effort to keep trucking companies in Louisiana competitive with neighboring states, this measure clarifies the existing state and local sales tax exemption on the purchase, use or lease of certain trucks and trailers used primarily in interstate commerce. This measure provides the trucking industry \$420,000 in tax breaks each year.
- **ACT 245** (SB 26 - Nevers) - Expands the option given to political subdivisions to exempt *certain* farm machinery and equipment purchases from local sales taxes to include the purchase of *any* machinery, equipment, supplies, materials, or services used or consumed in the business of farming.
- **ACT 427** (HB 170 - Farrar) - Provides a state sales tax exemption to electric utilities regulated by the Public Service Commission or the City of New Orleans for the purchase of equipment and machinery used in the production of energy. The new exemption, effective July 1, 2008, is expected to provide at least \$2.4 million in tax relief to the companies

yearly. Utility companies say the tax savings will be passed on to consumers with lower rates.

- **ACT 339** (HB 757 - Salter) - Includes the purchase of machinery and equipment used in the production of a news publication by a publisher in the state's phased-in state sales tax exemption. The measure also exempts equipment and machinery purchases by locally owned radio stations from all four cents of the state sales tax. The news publication phased-in exemption provides an initial \$450,000 a year tax break. The radio station tax exemption provides a \$96,000 a year tax break to those locally-owned businesses.

Enterprise Zone & Quality Jobs Tax Incentives

- **ACT 400** (HB 372 - Townsend) - This measure revises and reforms the state's enterprise zone and quality jobs program tax incentives to allow the qualified business to opt for a refundable income tax credit rather than the current sales tax rebates. The measure also extends eligibility for participation in the Quality Jobs Program from Jan. 2008 to Jan. 2012. These revised tax incentives provide about \$1 million in tax breaks for participating businesses.

Tax Credits for Investments in Low Income & Rural Communities

- **ACT 379** (SB 188 - Duplessis) - Revises the state's new market tax credits to encourage more investment in low-income communities. Increases the \$5 million per year cap on the income and corporate franchise tax credits to \$50 million over the life of the program which runs through Dec. 31, 2012. The tax credit rate is also changed from 11% spread out over seven years to 10% the first two years and 5% in the remaining years. Investments in an individual project subject to the tax credit are capped at \$15 million.

- **ACT 374** (SB 124 - Broome) - To encourage investors to support business and housing developments in low-income neighborhoods, those who donate, contribute or sell items below cost to certified community development corporations and certified community financial institutions are eligible for income and corporate franchise tax credits. The credits are 25% of the investment with a limit on eligible investment set at \$500,000 for individuals and \$1 million for businesses. The business tax credits are spread out over five years. The tax credit program expires in August 2010. There are currently 15 housing organizations and 8 community development corporations certified by the Department of Economic Development. This measure will provide \$5 million in tax breaks in the 07-08 budget year.

- **ACT 345** (HB 795 - Salter) - Extends the Louisiana Community Development Financial Institution Act until July 1, 2012. This act provides tax credits to federally chartered financial institutions that invest in low income and disadvantaged rural communities. The local investments often generate federal grants and other funds for the areas. There are currently 11 institutions participating in the program.

Tax Credits for Historic Structures

- **ACT 182** (HB 141 - Townsend) - Extends the existing income and corporate franchise tax credit provided to those who rehabilitate historic structures in downtown development districts to Jan. 1, 2012. The credit was set to expire Jan. 1, 2008.

Tourism Taxes

- **ACT 30** (HB 270 - Alario) - In an effort to rebuild Louisiana's tourism industry, this measure provides an additional \$6.5 million for tourism promotion. The act removes the current limit on how much of

the state's tourism tax can be used for promotion efforts. State tourism officials estimate that for every \$1 the state invests in tourism promotions, the state earns \$8.40 in tourism dollars.

Cultural & Heritage Economy Tax Credits - Louisiana's cultural economy accounts for 144,000 jobs in the state.

- **ACT 298** (HB 359 - Townsend) - Allows local governments to establish cultural product districts in an effort to revitalize communities by creating a hub of cultural activity, including affordable artist housing and work space. Businesses in the districts will be eligible for special tax incentives. Original works of art and cultural products sold in the district will also be exempt from sales taxes. This measure also increases the limit on tax credits provided developers who rehabilitate historic structures from \$1 million a year statewide to \$10 million a year and makes those tax credits permanent and available to developers in cultural product districts.
- **ACT 299** (HB 366 - Townsend) - Renews and increases the income and corporate franchise tax credits available to qualified heritage-based cottage industries in the 13 parishes that compose the Atchafalaya Trace Heritage Area Development Zone. The tax credits, which expired Jan. 1, 2007, are extended until Jan. 1, 2012. The available tax credits for operations and new hires are increased from \$750 to \$1500. There is an estimated \$360,000 annual impact on state finances. This measure also institutes similar tax credits for heritage-based cottage industries located in the Cane River Heritage Region. This program, which provides \$250,000 a year in tax incentives, also expires Jan. 1, 2012.

Since Louisiana started the tax credit program in 2002, \$2 billion worth of productions have occurred in Louisiana. So far in 2007, Louisiana has been the location for over \$400 million worth of major film productions. The state offers both infrastructure and production tax credits.

- **ACT 456** (HB 936 - Townsend) - Details what types of motion picture production facilities can qualify for state tax credits and caps the credits for any project at \$25 million. The measure also requires an independent audit of the qualifying projects and sets up an appeal process for those denied credits. The new restrictions do not apply to proposals currently under consideration for tax credits. Investors must actually expend funds, 20% or \$10 million, for an infrastructure project before claiming any credits. The state currently offers tax credits of as much as 40% for film industry infrastructure and as much as 25% for production costs. The production credits drop to 20% in 2010 and 15% in 2012.

Tax Credits for Musical and Theatrical Production & Infrastructure Projects

- **ACT 482** (SB 218 - Murray) - Creates the Broadway Louisiana Initiative in an effort to attract new musical and theatrical productions to the state. The initiative offers two different types of refundable tax credits - one for producers of performances debuted in Louisiana and one for facilities related to such performances. The infrastructure credits are limited to \$10 million per project, with the amount of credits allowed each year limited to \$60 million. At least 50% of the infrastructure credits must be approved for projects outside Jefferson and Orleans Parishes. The credits sunset in 2014. Investments in performances are eligible for the following credits -

Motion Picture Investor Tax Credits

- For investments between \$100,000 and \$300,000, the tax credit is 10%.
 - For investments between \$300,000 and \$1 million, the tax credit is 20%.
 - For investments greater than \$1 million, the credit is 25%.
 - The measure also allows for a tax credit of 10% on payroll expenses.
 - One-tenth of 1% payroll credit is also provided for Louisiana students hired to work with the industry.
 - A 100% tax credit, declining over time, is also provided on costs associated with hauling sets, scenery, etc. associated with the production.
 - Supporters point to the economic development potential and the development of a creative class that is vital to attracting new residents and developments in the state. They also claim that the measure will attract much-needed private investment to rebuild infrastructure in the storm-impacted areas.
 - A commissioned study by LSU Economist Dr. Jim Richardson predicts a revitalized New Orleans theater district bringing in \$22.8 million in new revenue by 2013 with a loss of state tax revenue at \$11.1 million.
- purpose of preventing window damage from storms."

Taxes on Storm Shutters

- **ACT 462** (SB 37 - Dupre) - Exempts storm shutters from the 4-cent state sales tax. The act gives local and parish officials the authority to waive local sales taxes on the storm protection devices. The legislation defines a storm shutter as "materials and products manufactured, rated and marketed specifically for the

Tax Breaks for Sparta Aquifer Conservation

- **ACT 457** (HB 944 - Gallot) - Provides a state sales tax exemption on the purchase of water conservation equipment by commercial water users in the Sparta Groundwater Conservation District and authorizes a local sales tax exemption on such purchases. The equipment must reduce water consumption by at least 25%. The tax exemption is effective July 1, 2007 and sunsets the end of June 2009. The tax exemption program limits taxpayers to a \$1000 tax exemption with a \$1 million cap on the overall program. Currently businesses and residents relying on the Sparta Aquifer are consuming 20 million gallons of water a day more than is being replenished. *This measure in part is tacked on to Act 471 (SB 331 - Ellington) regarding the pulp/paper mill tax break.

Tax Credits for Wind and Solar Home Energy Systems (Conference Committee added gift tax repeal, inheritance tax repeal changes and a tax credit for increased insurance premium costs to this measure.)

- **ACT 371** (SB 90 - N. Gautreaux) - Provides a refundable state individual or corporate income tax credit to homeowners and apartment owners who install and/or use certified wind or solar energy systems. The tax credit is 50% of the first \$25,000 invested into the equipment and its installation, beginning Jan. 1, 2008. The new tax credit is expected to provide about \$500,000 a year in tax relief for citizens moving to alternative energy sources. In conference committee, several other tax issues were added including: the repeal of the state gift tax as of July 1, 2008 which is expected to save taxpayers about \$3.8 million annually; a change in the phase-out of the state inheritance tax to allow a tax refund for those who paid inheritance taxes because the succession was not opened in a timely manner after the state tax was

phased out in 2004; and a one-time 2008 income tax credit for 7% of the cost of a homeowner's or tenant's property insurance premium in that year, less any tax credits already received in connection with Citizens' assessments.

Tax Incentives for the Dairy Industry

- **ACT 461** (HB 973 - Ritchie) - Establishes a system of tax credits for milk producers, with the tax credits based on fluctuations in the milk market and the ability of producers to make a profit. The tax credits are available this tax year. The estimated annual price tag is \$2.5 million. Dairy cattle in Louisiana have decreased by 65% since 2001.

Brownfields Clean-up Tax Credits

- **ACT 392** (SB 339 - Fontenot) - Increases and makes transferable tax credits available to those who voluntarily investigate and clean up polluted sites across the state in an effort to encourage more participation in the program. The tax breaks for the voluntary remediation are increased to 50% of the investment. The tax credits will be available when the expenditures are certified rather than when work is complete. The tax credits for investigation of the sites remains at 15%. These tax credits are aimed at not only cleaning up the polluted sites, but also returning the sites to commerce. The changes in this program are effective Jan. 1, 2008 and sunset Jan. 1, 2010.

Assistance for Poorest Parishes

- **ACT 347** (HB 806 - Thompson) - Creates the Delta Development Initiative as part of the work of the Louisiana Center for Rural Initiatives. The Delta initiative will focus on finding solutions to the problems related to poverty, education, health care, economic development, jobs, housing and culture in Caldwell, Catahoula, Concordia,

East Carroll, Franklin, Madison, Morehouse, Ouachita, Pointe Coupee, Richland, Tensas and West Carroll parishes. The Delta Initiative could spur special grants from non-profit foundations to assist with the effort.

PROPERTY INSURANCE ISSUES:

Citizens Issues

- **ACT 377** (SB 153 - Dupre) - This act requires the Louisiana Citizens Property Insurance Corporation every year to offer its policies for removal to the voluntary market in bundles of not less than 500 policies to insurers already doing business in the state and carrying an A.M. Best rating of A- or its equivalent. These bundles must include all policies and not just those that are low-risk. At least 25% of the policies must provide coverage in the hurricane-impacted coastal parishes and 75% of the next premiums picked-up by the companies must be residential policies. Policyholders will still have the option of remaining with Citizens. The measure is effective Nov. 1, 2007.
- **ACT 403** (HB 431 - Farrar) - This measure changes the composition of the Citizens board to reduce the representation of the insurance industry on the board and provide for more diverse oversight of Citizens' operations. Gubernatorial appointments to the board must include representation from the state bankers association, the state home builders association, the state society of certified public accountants and the state district attorneys association as well as from property insurance associations and companies. The board members appointed under the new law will serve staggered terms effective Jan. 1, 2008.
- **ACT 420** (HB 962 - Morrell) - Eliminates the required 10% Citizens premium mark-up in parishes where at least 50% of the

wind-and-hail coverage is written by the state's insurer of last resort. When the market in the parish is determined to be more competitive, the 10% surcharge is reinstated. The law is effective through August 15, 2010. The Senate added a provision to specifically eliminate the 10% surcharge in the ten coastal parishes first impacted by the new statewide building code requirements. A section was also added to officially authorize the state legislative auditor to review records and conduct audits of Citizens and its management association. The auditor has had difficulty accessing records needed to determine the current status of Citizens.

- **ACT 468** (SB 183 - Quinn) - Requires Citizens to give a preference to Louisiana companies when hiring insurance adjusters. The House added a section to authorize the state legislative auditor to review the records of Citizens and conduct audits on the corporation's operations.
- **ACT 382** (SB 211 - Mount) - State law originally provided a refundable tax credit to individuals and businesses for the assessments paid for the Citizens bailout after the hurricanes of 2005. The law allowed the assessment amount to be listed on the first income tax return that is due in the year after the payment. This act allows taxpayers to get quicker refunds by allowing the assessment amounts to be claimed on a form provided by state revenue officials as soon as the assessments are paid.

Rate Reform/Availability

- **ACT 459** (HB 960 - Carter) - This act abolishes the Louisiana Insurance Rating Commission (LIRC) and transfers its powers, duties and functions and those of the office of property and casualty to the commissioner of insurance as of Jan. 1, 2008. Louisiana is the only state with such a commission. Insurance companies have

identified the commission's role in insurance regulation as one of the biggest deterrents to doing business in Louisiana.

- **ACT 447** (HB 678 - Carter) - Creates the Insure Louisiana Incentive Fund - a \$100 million fund to be used as an incentive for property insurance companies to write policies for the voluntary market. The state will issue grants amounting to between \$2 million and \$10 million to private insurers with at least \$25 million in assets who agree to write a certain number of policies in Louisiana with the following requirements: the companies must match the money put up by the state; must agree to write new policies in a 2:1 ratio; 25% of the policies must replace policies held by Citizens; and 50% of the policies must be on properties located in the parishes listed in the Gulf Opportunity Zone Act in Louisiana. The Senate added a requirement that any grants must be approved by the Joint Committee on the Budget . The House eventually agreed to other Senate changes including an authorization for the state to establish a catastrophic insurance fund if a national fund is established; and a refundable state income tax credit for residential policyholders that amounts to 7% of the cost of their property insurance premiums in 2008, the eligible tax credit year, minus any tax credits already provided for the Citizens' insurance assessments. The tax credit for insurance premiums is expected to save taxpayers about \$105 million. State insurance officials estimate that property insurance premiums increased by 21% from 2005 to 2006. *The tax credit for rising insurance premium costs is also addressed in **ACT 371** (SB 90 - N. Gautreaux) to clarify that the tax credits are available for the 2008 tax year only.*
- **ACT 381** (SB 204 - Cravins) - This measure originally authorized insurance

companies to seek permission to increase deductibles for named storms on property insurance policies held in good standing for three years or more without imposing the increased deductibles statewide. However, Senators were concerned that there were not enough safeguards for consumers as to a limit on how much deductibles could be increased or how increased deductibles would reduce premiums. With those objections, legislators limited the bill to expanded protection for homeowners who have held their coverage in good faith for three or more years. State law allows insurers to cancel coverage or not renew policies when policyholders make two or more claims within three years. This measure specifies that losses due to an Act of God - such as a hurricane - shall not be included in the two or more claims provision. The measure also clarifies that a change in a deductible is not considered a new policy.

Consumer Protection

- **ACT 222** (SB 205 - Cravins) - This measure creates a policyholder's bill of rights, the Office of Consumer Advocacy within the Department of Insurance and the position of deputy commissioner for consumer advocacy to run the new office. The deputy commissioner is appointed by the Commissioner of Insurance with the consent of the Senate. The measure allows termination of the consumer advocate only for specific reasons and requires the commissioner to notify the Legislature within 5 days of the termination. The insurance department must establish the consumer advocacy office and hire the deputy commissioner by Oct. 1, 2007.
- **ACT 43** (HB 381 - Bowler) - Homeowners will have up to two years to file suit against their insurance companies for damages. Previous law allowed homeowners 12 months to file suit. The

measure also makes the two-year period applicable to several other lines of insurance including burglary, forgery, fire and extended coverage of crop and livestock damages.

Building Codes

- **ACT 335** (HB 704 - Pinac) - Provides for changes in the State Uniform Construction Code which was passed after the hurricanes of 2005. The law broadens the number of qualified inspectors to include architects and engineers who can inspect projects for their specialty work only. The measure requires that new construction be built to code, but exempts renovations of less than 50% of a structure or additions of less than 50% of a structure as well as manufactured housing, farm structures, camps, decks, storage sheds and driveways. The bill was amended on the Senate floor to allow the code council to use mapping systems that provide information on soil strength rather than require additional, costly soil testing as part of the inspections. Additional funds have also been provided in the state budget for training of more inspectors.
- **ACT 323** (HB 558 - Salter) - Requires insurance companies to offer actuarially justified discounts, credits or other breaks to homeowners who build to the State Uniform Construction Code's standards or renovate their homes to make them more storm-resistant. The act does not mandate a specific amount of the insurance break, but requires an insurance company to come up with an actuarially justified adjustment on the deductible. Also requires the Department of Insurance to come up with rules for the program by January 1, 2008.

Tax Relief

- **ACT 467** (SB 182 - Quinn) - Allows a tax deduction of 50% of the homeowners' cost

of voluntarily renovating their residences to make them sturdier in storms and hurricanes. The deduction, which is available beginning with the 2008 tax year, is capped at a maximum of \$5,000. The renovation must conform to the state's uniform construction code and applies to renovations begun Jan. 1, 2007 and after. The deduction only applies to residential property and cannot be stacked with any other tax credits.

- **ACT 371** (SB 90 - N. Gautreaux) & **ACT 447** (HB 678 - K. Carter) - These measures, which originally addressed other tax incentive and insurance issues, include a one-time 2008 refundable tax credit for 7% of the cost of residential property insurance premiums in that year minus any credits already granted to the insured for Citizens Insurance assessments. It is estimated the tax credit will mean about \$110 million in tax savings for policyholders.

TRANSPORTATION:

Funding State Highway and Port Needs -

There is a \$14 billion backlog of state highway projects. The state now spends about \$400 million per year on new and expanded roads and bridges. Legislators set aside an additional \$600 million in one time funding to tackle the backlog in addition to the normal federal, state and bond financing of highway needs.

Additionally, Louisiana's ports say they need \$62 million in state funding this year—more than triple the usual amount—to catch up with a backlog of improvement projects. The 2008 budget includes \$20 million in regular funding for port improvements and another \$41 million in supplemental funding.

I-49 Construction -

I-49 from Shreveport north to the Arkansas line and the segment from Lafayette south to New Orleans is still incomplete. The northern 35 mile segment is ready for construction, but funding has

been lacking. Louisiana had \$254 million in federal funds and \$64 million in state funds for the northern segment as of the 06-07 state budget year with costs associated with the project topping \$563 million. The southern segment is not ready for construction. Costs associated with that portion range from \$2 - 3 billion. The 07-08 state construction budget includes \$20 million in new funding for the I-49 North and South projects. The supplemental appropriations bill (ACT 203 - HB 765- Alario) includes an additional \$60 million for the northern leg.

- **ACT 320** (HB 531 - Montgomery) - This measure seeks to jump start the Shreveport to Arkansas I-49 leg by detailing the use of money in the Unclaimed Property Leverage fund, a fund created in 2005 to assist with I-49 construction needs through unclaimed property funds in the Treasurer's office. Each year \$15 million in unclaimed property money is placed in the fund. Initially, the funds were earmarked to help meet payments on any bonds sold for the I-49 projects. If no bonds were sold the \$15 million went back to the state general fund. This measure expands the use of the monies to include any construction needs and matching fund requirements, not just bond payments. The state funds will also generate federal matching dollars. Half of the money in the leverage fund goes to the north Louisiana segment, half to the south Louisiana segment.

I-10/I-12 Corridor Development -

- **ACT 437** (HB 414 - Kleckley) - Creates the Interstate 10-Interstate 12 Corridor Commission from the Texas Border through the Atchafalaya Basin and Baton Rouge east and south to the Mississippi line. The district, which includes parts of Calcasieu, Jefferson Davis, Acadia, Lafayette, St. Martin, Iberville, West Baton Rouge, Ascension, St. James, St. James, St. Charles, Jefferson, Orleans, East Baton Rouge, Livingston, Tangipahoa and St. Tammany parishes, will advise and make

recommendations to the state transportation department regarding needed transportation improvements in the area.

COASTAL RESTORATION & HURRICANE PROTECTION

Gov. Blanco is asking the Legislature to spend at least \$200 million from the 05-06 prior year budget surplus on coastal restoration work. The state is losing approximately 24 square miles of marsh each year, the equivalent of roughly one football field every 38 minutes.

Coastal Restoration and Hurricane Protection Plans

- **SCR 11** (Dupre) - Sets out the state's first broad, integrated plan to preserve the coast and minimize future hurricane damage. Developed by the state's Coastal Protection and Restoration Authority, the master plan sets out levee, marsh restoration and river diversion projects planned over the next 30 years. The U.S. Army Corps of Engineers intends to use the plan as a basis for its report on Louisiana coastal projects to be submitted to Congress later in 2007.
- **SCR 12** (Dupre) - Outlines the Coastal Protection and Restoration Authority coastal restoration and hurricane protection plan for the 07-08 budget year. The annual plan includes 63 different projects - 57 related to restoration efforts and 6 for protection projects.

Louisiana Coastal Protection and Restoration Financing Corporation

- **ACT 249** (SB 53 - Dupre) - Creates the Louisiana Coastal Protection and Restoration Financing Corporation, which is designed to help the state bond out future payments from offshore federal oil-and-gas leases so billions can be made available for coastal protection efforts now, without having to wait for the increased federal assistance down the road.

- Approximately \$13 billion is expected to pour into Louisiana over the next 30 years from the state's share of federal oil-and-gas leases in the Outer Continental Shelf. \$510 million is expected over the next four years. State officials have considered selling bonds to get a jumpstart on the coastal master plan, which could top \$50 billion over several decades. The federal money would be used to repay the debt.

Levee Boards

- **ACT 475** (HB 413 - Tucker) - This measure changes the consolidated levee board reforms which established regional levee authorities to manage flood control and hurricane protection efforts in southeast Louisiana after the 2005 storms.
 - The west bank portion of Orleans Parish, which had been included in the Orleans Levee District in the levee reforms, is moved to a new Algiers Levee District under the supervision of the Southeast Louisiana Flood Protection Authority-West. Guidelines are established for Algiers to continue to allocate some property tax revenues to help pay the Orleans Levee District's bond debt.
 - A new independent levee district is created for Lafitte, Barataria and Crown Point. The members of the Lafitte Area Independent Levee District will be appointed by the Governor from a list of recommendations made by area legislators. The new independent levee district will be part of the Coastal Louisiana Levee Consortium.

EDUCATION

Legislators showed their support for improving education at all levels in Louisiana by earmarking hundreds of millions of dollars in new

investments in education programs and services as well as approving new education policies and initiatives designed to move the state forward.

In the area of pre-K to high school education, lawmakers set aside additional state dollars for the state's nationally acclaimed early childhood education program for at-risk students providing services to an additional 5000 students; to raise teacher pay to the southern regional average; to begin implementation of the state's high school redesign program, that among other things tackles problems with drop-outs and promotes workforce training; to fund classroom technology and summer school remediation; and provide incentives for certified teachers to work in poor performing schools, especially in the Delta region.

Additionally, the Minimum Foundation Program (MFP) - the basic state aid to public schools - is increased by \$199 million. The program increases state spending per student, provides more money for at-risk students and assists local school districts with rising operational costs related to employee benefits and fuel.

In the area of higher education, the higher education funding formula is financed at 100% for the first time in decades. Additional funds are also provided for those institutions already at full funding, for endowed chairs and professorships and for a new need-based scholarship program.

Truancy Prevention

- **ACT 169** (SB 187 - Ullo) - Makes Louisiana's pilot truancy prevention program a permanent program and removes the limitation on which parishes may participate. The pilot program which operates in 19 parishes/judicial districts was set to expire June 30, 2007. The program helps reduce truancy by using a system of case workers, case monitors and statistical tracking. The Senate added \$400,000 to fund middle school pilot

programs in Caddo and Jefferson Parishes.

Teacher Certification

- **ACT 184** (HB 188 - Waddell) - Expands current state law that fast-tracks certification for out-of-state teachers who move to Louisiana and teach in a BESE certified public school for one year to also include those who teach in BESE certified private and parochial schools. The expedited certification process is available for those who have taught in another state for at least four years prior to moving to Louisiana.

Arts in Education

- **ACT 175** (SB 299 - Broome) - Phases in music and arts programs in all public schools over four years in an effort to improve students' critical thinking skills and self esteem as well as continue the state's rich culture. The first three years will involve development and implementation of a pilot program. When fully implemented in the 2010-11 school year, students will receive an hour of visual arts instruction and an hour of performing arts instruction each week. The estimated cost of the program is \$2.2 million. The program is contingent upon the legislature providing funding for the program. About \$50,000 is provided in this year's budget for start-up.

Dyslexia Screening

- **ACT 217** (SB 160 - Nevers) - Establishes a pilot program in a yet to be determined school district to test students at least twice a year through the third grade. Nearly one-fifth of students battle some form of dyslexia, with the learning disability often going undetected until the end of the third grade when it is too late to assist those students to catch up on reading skills.

Legislative Youth Advisory Council

- **ACT 118** (SB 46 - Theunissen) - Creates the Louisiana Legislative Youth Advisory Council to examine and facilitate communication between youth and the legislature regarding issues important to young people. The idea grew out of the Legislators Back to School Program and a visit by Sen. Theunissen to Hathaway High School in Jennings, La. The students expressed an interest in developing a youth advisory council, drafted the bill and lobbied the measure through the process. The effort is supported by Gov. Blanco, other state officials and the Louisiana Commission on Civic Education.

Need Based Scholarships

- **Go Grants**
 - The 07-08 state budget includes \$15 million for a plan approved by the Louisiana Board of Regents to offer \$2,000 annually to all eligible full-time freshmen and \$1,000 to part-time students in an attempt to fill the gap between TOPS as well as other scholarships and financial aid programs and the actual cost of attendance that prevents many low-income students from attending college. The plan would be available to low-income, first-time students at all public and private universities in the state, in addition to community and technical colleges.
 - It is estimated that about 25% of incoming freshman will qualify for the new grants, which equates to about 11,000 students initially.
 - Louisiana graduates on average carry a student loan debt of over \$18,000. In 2005, the level of student loan debt was 12th in the nation.
- **Pelican Promise**

- This program, developed by the LSU system, also offers need-based scholarships to needy students, with recipients eligible for \$3000 a year in financial assistance in addition to other aid.
- Students from families with incomes up to 150% of the poverty level, or about \$25,755 for a family of three are eligible. Higher education officials hope to increase the income level limit as funds become available.
- LSU will fund the initial program from existing monies.

TOPS

- **ACT 412** (HB 634 - Scalise) - Eases the requirements for home-schooled students to qualify for TOPS. Since home-schooled students do not necessarily complete the core curriculum required of other students, they are currently required to score higher on the ACT to qualify for TOPS. This measure will still require a higher ACT score, but lowers the required score from 22 to 21. Other students must score at least 20 on the ACT to qualify for TOPS. The changes will not go into effect until funding, about \$150,000, is provided to cover the scholarships for the anticipated new applicants.
- **ACT 372** (SB 94 - Chaisson) - This measure began as a measure to provide TOPS eligibility for one student from a military family in the Senator's district whose family briefly established residency outside of Louisiana. Legislators added a one year extension for students displaced outside Louisiana because of the hurricanes. Those students can graduate from an out-of-state school and still qualify for TOPS.

Community & Technical Colleges Infrastructure

- **ACT 391** (SB 337 - Adley) - This measure sets up a process in state law for much needed capital improvements at community and technical colleges around the state. The Board of Supervisors of Community and Technical Colleges will join the state in a cooperative endeavor to issue bonds for the capital improvements through a non-profit corporation formed that purpose. With the state's commitment that there will be funding to pay off the bonds, the bonds can be sold later this fiscal year with preliminary work on the projects getting underway soon. The state will commit about \$15 million to make the annual payments on the proposed capital improvement projects. The 2008 capital outlay bill includes about \$44 million for community and technical college projects. The state supplemental budget also sets aside \$15 million for technology improvements at the campuses.

PAY & BENEFIT INCREASES

Supplemental Pay

- **ACT 281** (HB 4 - Alario) - Raises the state supplemental pay for qualified first responders and provides for pay increases for other public safety-related employees. Supplemental pay for first responders eligible for the state pay supplement will increase from \$300 to \$425 a month beginning July 1. Those affected by the \$1500 a year raise are firefighters, deputy sheriffs, municipal police officers, harbor and bridge police, fireboat employees, public safety officers employed by certain Indian tribes, Wildlife and Fisheries agents, Department of Public Safety officers and campus police officers. The increased pay for DWF agents, DPS officers, campus police and state harbor, bridge and fireboat officers is dependent on approval by the State Civil Service Commission. The pay raise package will cost over \$64.8 million a year if fully

implemented. The 07-08 budget includes funding for the most of the increased pay, but does not include money for the proposed campus police, state bridge, harbor and fireboat officers, and Indian tribe public safety officers pay raises.

- **ACT 275** (SB 286 - Heitmeier), **ACT 485** (SB 128 - Heitmeier) (CA) - These measures clarify state law and the State Constitution as to who is eligible for supplemental pay to include law enforcement and fire protection officers employed by police agencies who patrol waterways and riverfront areas in municipalities with a population over 450,000.
- **ACT 483** (SB 2 - Fontenot) (CA) - Proposes to change the State Constitution to prevent lawmakers from cutting state supplemental pay from the proposed increased level. The State Constitution now protects supplemental pay for sheriff deputies, local police, firefighters and constables from reduction, but only at the \$300 level. Voters will consider the proposed amendment at the Oct. 2007 statewide election.

Teacher Pay Raise

- The Legislature approved a pay raise of \$2,375 or about 6% per year for public school teachers in an effort to move Louisiana salaries to the Southern Regional Average, which is \$45,169 as determined by the Education Estimating Conference. The state's average teacher pay for the 2006-2007 year was \$41,238. As proposed, the increase will cost \$157.6 million a year. Additionally, 50% of the annual increase in the Minimum Foundation Program (MFP) or about \$57 million must be used for teacher pay increases in many school districts. Teachers in 52 of the state's 69 school districts - districts where the average teacher pay is below the

regional average or those who are receiving a decrease in state aid - will be eligible for additional raises from those funds, bumping their average pay increase to \$3597 or 9%. Teachers last received a general annual pay raise of \$1500 in 2006.

School Support Worker Pay Increase

- The state budget includes funds for pay raises for school support workers. Governor Blanco proposed a \$750 pay increase for school support workers. The Senate changed the state budget to grant a \$1000 pay raise. School support workers include non-certificated instructional personnel, instruction support workers and service workers. This year, the average salary for these groups respectively is \$15,746, \$31,304 and \$19,585.

Higher Education Faculty Pay Increase

- The state budget allocates \$30 million for an average 5% pay increase for college faculty. Higher education officials at the various universities will decide how to allocate the pay raise fund at their various campuses.

State Employee Pay Increase

- The state budget includes a pay raise of \$1500 per year for state employees, amounting to as much as a 10% increase for some lower-paid classified state workers. An additional pay raise over and above the \$1500 a year is proposed for state police and certain employees in jobs that experience high turnover rates such as Corrections, Probation and Parole Officers. State police officers are set to receive an annual pay raise totaling \$4300. Adult and juvenile prison guards as well as state probation and parole officers will receive a total \$6000 annual pay hike.

Retirees - Cost of living pay raises are provided to retired state employees and teachers only when earnings on retirement systems' investments are adequate to support the raises. No direct state tax dollars are used to fund such raises.

- SCR 3 (B. Gautreaux) - Provides legislative authorization for a 2.5% cost of living raise for retired teachers as well as an additional .5% as outlined in **ACT 67** (SB 116 - Theunissen). Retirees receiving disability retirement and those who are at least 55 years of age and have been retired for at least one year are eligible for the cost of living raise.
- HCR 7 (Schneider) - Provides legislative authorization for a 2.5% cost of living increase for retired state employees as well as an additional .5% as detailed in **ACT 67** (SB 116 - Theunissen). Eligibility for the cost of living raise is the same as that for retired teachers.
- **ACT 67** (SB 116 - Theunissen) - Authorizes an additional .5% cost of living increase for both retired state workers and teachers to bring the total cost of living raise that kicks in July 1, 2007 to the maximum 3% allowed under law.

Assistant District Attorneys Pay Increase

- **ACT 283** (HB 148 - Farrar) - Increases the pay of assistant district attorneys in the state from \$35,000 a year to \$45,000 starting July 1. Lawmakers adopted legislation last year to raise the pay of assistant district attorneys from \$30,000 to \$35,000 as of last July 1, 2006 and \$40,000 July 1, 2007.

Judges & Sheriffs Pay Increases

- **ACT 422** (HB 974 - Farrar) - Continues through June 30, 2010 the annual pay raises of 4.5% to 4.9% that Supreme Court justices, district court judges, juvenile court judges and family court judges have received last year and this year. The state contribution to city and parish court judges

pay will also increase by 4.9% a year. Since the salaries of local sheriffs are tied to the salary of judges, sheriffs' pay will also increase. The pay raises will cost about \$2.2 million in state spending beginning July 1, 2008. Judges have received pay raises seven of the last 12 years per the recommendations of the Judicial Compensation Commission. Supporters of the raises note, after full implementation of the latest increases, judges pay in Louisiana will be at the southern average. After July 1, 2010, the salary of sheriffs will no longer be tied to the salary of judges. Additional increases in sheriffs' pay will require separate legislative action.

Judges Retirement

- **ACT 348** (HB 818 - Heaton) - Increases retirement benefits for a specific group of retired judges and surviving spouses of retired judges. The estimated increased cost to the state is \$1.1 million over five years.

Clerks of Court Pay Raises

- **ACT 77** (HB 210 - Fauchaux) - Increases the salaries of Clerks of Court based on the population of the parish. Clerks' of Court pay now ranges from \$65,000 to \$90,000 a year. This measure increases the pay to a range of \$88,000 to \$108,000 at a cost of over a million dollars a year to parish governments.

Assessors Pay Increases

- **ACT 97** (HB 467 - Townsend) - Authorizes parish assessors to increase their own pay, using money generated by their offices. Assessors' pay, which is currently dependent on parish population and other requirements such as certification status and personal expense increases, ranges between \$60,000 and \$80,000 a year. This measure authorizes

increases to between \$88,290 and \$108,290, about a 35% increase. If all assessors opt to increase their pay, the cost to local finances will be over \$2.85 million.

Registrar of Voters Pay Raises

- **ACT 254** (SB 103 - Jackson) - Provides pay raises for registrars of voters, chief deputies and assistants based on the parish population in which they serve and sets new minimum salaries with new step increases for the employees. The new minimum pay for registrars in the largest parishes increases by about \$18,000 a year. An amendment was added on the House floor to include the poll commissioners pay raise proposal in this bill. The poll commissioners raise is also included in a separate measure (**ACT 297** (HB 347 - Gallot)).

Statewide Elected Officials Pay Raises

- **ACT 440** (HB 489 - Toomy) - Increases the pay of the Governor and other statewide elected officials beginning Jan. 14, 2008, when the new term of office begins. The Governor's salary will increase from \$95,000 a year to \$130,000 a year. Other state officials will see a raise from \$85,000 to \$115,000. Statewide elected officials have not received a raise since 1995. The proposed increases are based on recommendations from the Compensation Review Commission created by the Legislature to study elected officials pay.

HEALTHCARE:

Children's Health Care

- **ACT 407** (HB 542 - Walker) - Creates the Louisiana Children and Youth Health Insurance Program to increase health insurance coverage for children in the state and encourage participation. Parents who earn too much money to qualify for the existing Medicaid-supported children's

health insurance program known as LaCHIP can purchase insurance coverage under LaCHIP or receive state subsidies to purchase private insurance coverage. The costs for the buy-in will be set by the state health department on a sliding scale based on income. In other states with similar programs, the average cost for families is \$35 to \$50 a month. The state budget sets aside about \$27 million to support the "buy-in" program and to fund outreach efforts to enroll an estimated 68,000 children who already qualify for the free LaChip program.

- The new program extends government-backed insurance to children whose families make up to three times the federal poverty mark, or \$61,950 for a family of four. Previously, the income limit to participate in LaChip was 200% of the federal poverty level. The eligibility change is dependent on federal government approval.
- It is estimated that the "buy-in" program will provide health insurance coverage for some 9,000 kids who are currently in health care limbo.

Health Care Reform -

- **ACT 243** (SB 1 - McPherson) - Establishes the Health Care Reform Act to develop and implement a health care delivery system that provides a continuum of evidence-based quality driven health care services known as Louisiana Health First. The program will be piloted in the New Orleans and Lake Charles area. The 07-08 operating budget includes about \$36 million to fund initiatives related to the pilot program and technology upgrades. It includes the following provisions:
 - The Department of Health and Hospitals (DHH) will be required to develop and implement a

medical home system of care for Medicaid recipients and low-income uninsured citizens.

- The medical home system of care will be patient and family centered, guided by a personal primary care provider who coordinates and facilitates preventative and primary care. It will consist of an integrated system of primary care providers, specialty care groups and hospital providers from the public and private sectors.
 - The medical home system will also require the use of health information technology and evidence-based quality assurance measures.
 - DHH will oversee managed-care networks involving public and private healthcare providers who must agree to work under standards of care proven to promote healthy outcomes.
 - DHH will develop an enhanced reimbursement methodology for providers who participate in the Louisiana Health First program and who document improved health outcomes.
 - SCR 35 (McPherson) - Creates the Louisiana Health Care Quality Forum to plan, promote and conduct quality improvement initiatives within the state. The non-profit organization, composed of various independent groups involved in health care reform, will monitor population measures and involve health-care organizations to implement standards of care that improve the health of patients and reduce costs. The forum will also establish guidelines and levels of care required of the "medical homes" established in **ACT 243** (SB 1 - McPherson). The budget includes \$1.1 million in seed money to support the work of the forum.
 - **ACT 359** (HB 964 - Kenney) - Makes information gathered by nonprofit health care quality improvement corporations, such as the Louisiana Health Care Quality Forum created by SCR 35, privileged and confidential. The corporations will function as a statewide public/private partnership working to improve the quality of health care in Louisiana through activities such as reporting, research, collection and analysis of certain health care data, and the evaluation and promotion of clinical guidelines and criteria. The quality improvement work product and the proceedings and records of the corporation shall not be subject to subpoena, order or discovery process or offered into evidence in any civil, administrative or criminal proceeding. The idea is to encourage free exchange of data and ideas between the public and private entities involved in the health care reform effort.
 - **ACT 172** (SB 238 - McPherson) - Creates the Health Care Redesign Fund to finance the health care reforms envisioned in **ACT 243** (SB 1 - McPherson). The 07-08 state budget sets aside \$112.9 million in **ACT 18** (HB 1 - Alario) in state dollars into the fund to begin the transition to the new health care delivery program.
- Medical Center of New Orleans Reconstruction
- SCR 76 (Hines) - This resolution is the latest step in the state's plan to rebuild Charity in New Orleans. The resolution declares the legislature's approval of the medical center's business plan associated with the hospital's reconstruction. LSU is planning a \$1.2 billion teaching and research hospital in New Orleans in partnership with the Veteran's Administration, sharing common facilities such as parking and food service. The plan

was originally dependent on the federal government approving the use of \$300 million in federal community development block grant funding to buy land and start construction. However, in the final days of the session with federal approval of the rebuilding plan uncertain, legislators approved the use of over \$75 million in state funds to begin work on the Medical Center of New Orleans reconstruction plan. Additionally, the Charity Hospital rebuilding plan was also added to the state construction budget. The Robert Woods Johnson Foundation has awarded LSU a \$1.24 million grant to plan construction of the facility.

Home/Community-Based Care for the Disabled

- **ACT 481** (SB 98 - Schedler) - Establishes the New Opportunities Waiver Fund to provide a means to pay for more home and community-based care for developmentally disabled citizens and their families, effective July 1, 2007. Twelve percent of any increased state revenue recognized by the Revenue Estimating Conference after the beginning of a fiscal year up to \$50 million will be placed in the fund. There are over 14,000 people on a waiting list for the state-supported, community-based services. The 07-08 state budget includes increased spending for the waiver program to provide waiver services to an additional 3000 people.

Optometrists Prescription Authority

- **ACT 66** (HB 682 - Johns) - Allows optometrists to prescribe medications for the diagnosis and treatment of eye problems. The State Board of Optometry Examiners will have close oversight of the use of such authority. Supporters note that

optometrists take most of the same classes as their medical doctor counterparts. Additionally, they claim this measure will expand access to eye care in rural areas of the state where an ophthalmologist is not available.

Abortion -

- Amending the "Women's Right to Know" Law
 - **ACT 282** (HB 25 - Crowe) - Requires that every woman considering an abortion receive full information on the availability of anesthetics that could minimize the pain for the fetus during an abortion. The state Department of Health and Hospitals will update the state's existing informed consent for abortion booklet to include specific information about fetal pain. Women must also be given the opportunity to view an ultrasound of the fetus before consenting to an abortion procedure.
- Partial Birth Abortion -
 - **ACT 473** (SB 161 - Nevers) & **ACT 477** (HB 614 - Beard) - These measures ban partial birth abortion in state law, making Louisiana the first state to adopt such a ban since the U.S. Supreme Court upheld the federal ban on partial birth abortions as constitutional. Under the state laws, physicians violating the law face fines of \$10,000 to \$100,000 and jail time of one to 10 years. The abortion procedure will be allowed if the mother's life is endangered by the pregnancy, but not if the mother's general health is endangered. The measures also allow for civil action against the violator seeking monetary

damages, unless the party filing the suit consented to the abortion. There are some minor differences between the two measures as to whom may seek civil damages and how a physician is defined. The federal prohibition, which imposes a prison term of up to two years and fines of up to \$250,000, has been in place since 2003 and was recently upheld as constitutional by the U.S. Supreme Court.

ELECTIONS/GOVERNMENT OPERATIONS

Polling Commissioners

- **ACT 297** (HB 347 - Gallot) - This measure increases the pay of poll commissioners. Poll commissioners have not received a raise in more than 15 years and the state is currently short about 5000 commissioners. This measure raises the pay of commissioners-in-charge from \$150 to \$250 and doubles the pay of other types of commissioners from \$50 to \$100 and from \$100 to \$200. The Senate added the necessary \$5.7 million to the state budget to fund the raises.

Voter Access

- **ACT 297** (SB 105 - Jackson) - Allows elderly - those 65 years of age or older - and disabled voters to vote by mail for one year - without applying for a mail ballot for each election. Disabled voters must have a mobility impaired identification card from the state to qualify.
- **ACT 229** (HB 248 - Ansardi) - Extends the time period for early voting by one day so that early voting would be allowed for seven days during the period of time 14 to seven days before an election. This measure also originally cut the election day voting hours from a 14 hour day to a 12 hour day, but that portion of the measure was removed in House committee.

Ethics Reform

- **ACT 442** (HB 532 - Daniels) - Requires the executive director of the Louisiana Board of Ethics to be a full-time employee with no outside employment, beginning Aug. 15, 2008. Prior to the effective date of that requirement, the executive administrator must file regular disclosure statements with the Board of Ethics detailing any outside business activities. The first statement must be filed within 30 days after this measure becomes law. This

is an effort to address potential or perceived conflicts of interest.

- **ACT 315** (HB 493 - Barrow) - Requires specific training for elected officials and all public servants regarding conflict of interest laws and other ethics regulations. Beginning Jan. 2008, statewide elected officials, legislators and public service commissioners must complete two hours of training, with one hour of that training occurring in the first year of the term. The same training requirements for other elected officials begins in Jan. 2010. All public servants must complete two hours of ethics training from Jan. 2012 to Dec. 31, 2015 and every four-year period after.
- **ACT 148** (HB 340 - B. White) - Requires government employers to post a notice to employees notifying them of their right to report suspected violations of state ethics laws and regulations to the state ethics board and/or their supervisors without fear of reprisal. This measure also requires state ethics board officials to report any findings of a criminal violation of law to the appropriate district attorney for prosecution.

State Retirement/Benefits

- **ACT 484** (SB 127 - Boasso) (CA) - This is a proposed change in the State Constitution to prevent the state from approving new retirement benefits without identifying a revenue source that would pay for the new benefits over a ten year period.
- **ACT 352** (HB 864 - Schneider) - Requires public retirement systems with investments in international markets to participate in a "terror-free index fund" so that the systems are not investing public monies in companies with facilities or employees in Iran, North Korea, Sudan or Syria, identified as prohibited nations. The measure also requires the systems to notify companies in which they currently invest

to cease operations of any kind in a prohibited nation.

- **ACT 366** (SB 56 - Barham) - Allows state employees and officials who have at least ten years of government service and who have participated in the state group benefit insurance program for at least ten years to continue their health coverage after leaving state service. Those who opt to continue their health coverage will be responsible for 100% of the premium costs. Additionally, the policies will be risk-rated with the premiums based on those costs.

Department of Wildlife and Fisheries Fees & Funding

- **ACT 455** (HB 919 - Alario) - This measure originally allocated 1/20th of the 1% state sales tax to the Conservation Fund beginning July 1, 2008. The fund finances the operations of the Department of Wildlife and Fisheries. The new dedication would have increased the available revenues in the fund by \$43 million. The Senate changed the measure to assist Wildlife and Fisheries with its underfunding problem by officially dedicating mineral revenues from the Attakapas Wildlife Management Area - about \$18 million a year - to the conservation fund. In recent years, the governor has earmarked such funds for Wildlife and Fisheries, but it has been discretionary.
- **ACT 319** (HB 524 - Jack Smith) - Requires new boat purchasers to register the title with the Department of Wildlife and Fisheries, similar to the title registration now required for motor vehicles. Boaters will be charged a \$26 registration and handling fee. The new registration requirements apply to boats valued at more than \$2500 purchased after July 1, 2008.

Public Service Commission Funding

- **ACT 234** (HB 451 - Pinac) - Allows the PSC to increase fees charged to companies regulated by the commission. The increased fees, which will help offset the increased rent faced by the commission in the new state office building, will mean about an extra 20 cents a year for consumers. Since 1972, the PSC has received no direct state funding and is self-funded through its own fees. The PSC has not increased fees since 1986.

HIGHWAY SAFETY & PUBLIC SAFETY

Street Racing

ACT 128 (SB 215 - Cravins, N. Gautreaux & Michot) - Makes street drag-racing a crime punishable by at least one year and up to five years in jail if a serious injury or death results. A fine of \$500 to \$2,000 could also be imposed. The increased penalties apply to races on public roads as well as on publicly-owned or privately-owned property where public access is not prohibited.

- The state police and Highway Safety Commission have begun an advertising campaign warning drivers against the dangers of street racing. The billboards will be placed in high-crash areas around the state.

Drunk Driving - Last year, Louisiana had 451 alcohol-related highway deaths, the second highest in the nation.

- **ACT 413** (HB 652 - Wooten) - Increases the penalties for drunk drivers and requires the installation and use of ignition interlock devices for convicted drunk drivers who obtain hardship licenses or those who complete their sentences and seek to drive again. A first offender will lose his or her license for 1 year rather than 90 days. A second offense will result in a two year license loss rather than one year. Third and subsequent offenses carry a three year license suspension rather than two. This measure also adds to the list of

qualified professionals who may legally draw blood samples in connection with DWI offenses that were left out of the those listed in **ACT 96** (HB 422 - Jane Smith) below.

- **ACT 96** (HB 422 - Jane Smith) - Expands the list of qualified professionals who may legally draw blood samples to determine if a person is driving drunk or under the influence of drugs or alcohol. This is an effort to expedite drunk driving investigations and to preserve evidence.
- **ACT 227** (HB 88 - Martiny) - Closes a loophole in the state's DWI laws regarding driving under the influence of prescription drugs. The measure removes the requirement that the driver "knowingly" took quantities of prescription drugs which impaired their driving.

School Bus Safety

- **ACT 284** (HB 157 - Walsworth) - Requires BESE to adopt rules requiring local school systems to equip school buses with safety arms by Jan. 1, 2008. All school buses purchased after Jan. 1, 1996 are already required to be equipped with the safety arms. Local school systems will be responsible for the costs of retrofitting the buses with the safety equipment. It is estimated that about 2000 older buses are still in use across the state without the safety protection devices. The State Constitution prohibits the legislature from mandating unfunded costs on local school systems, however BESE can develop rules and regulations that result in costs to the systems that *may* not violate the constitutional prohibition on *legislatively* mandated costs. Two children have been killed this school year in school bus accidents that could have been prevented if the buses had been equipped with the safety arms.
- **ACT 60** (HB 853 - Honey) - In an effort to crackdown on motorists who illegally pass

or speed by school buses, this measure will allow local school systems to develop forms that drivers can sign, along with two witnesses, to report such offenses. Currently bus drivers must get a notarized affidavit within 24 hours of the offense to report a complaint to law enforcement.

with or without a declared state of emergency.

Weapons & Drugs in Schools

- **ACT 385** (SB 265 - Ullo) - State law now provides for the expulsion of students for possession of weapons and drugs on school property. Expelled students are to be placed in an alternative setting, unless the school system receives a waiver from BESE from this requirement. This measure eliminates the waiver option beginning with the 2008-09 school year. It also increases the required expulsion for gun possession from one year to four school semesters. Local school officials have discretion to increase the length of the expulsion.

School Campus Safety

- **SCR 8** (Heitmeier) - Urges higher education officials to take steps to respond in a decisive, timely and appropriate manner to emergency, life-threatening situations on campus. Higher education authorities are to submit written reports on their plans prior to the regular legislative session in 2008. Funds are set aside in the 07-08 budget plans to upgrade security programs and equipment at the various campuses.

National Guard Police Powers

- **ACT 309** (HB 441 - LaFleur) - Officially recognizes the Louisiana National Guard Military Police as a state law enforcement agency and authorizes the governor to mobilize troops to support civil authorities,

Sex Offenders

- **ACT 363** (HB 969 - Downs) - Prohibits sexual conduct between an educator and a student 17 or 18 years of age, even if the conduct is consensual. Educators, including teachers, principals, coaches, administrators, paraprofessionals and aides, who violate the law face a \$1000 fine and six months in jail.
- **ACT 460** (HB 970 - Cazayoux) - Revises Louisiana's sex offender registry law to conform with the federal sex offender registry law passed in 2006. The revised law requires offenders to register in parishes where they work and/or attend school as well as where they live. The time period for the required registration is also extended from 10 years to 15 years. The new registration requirements are effective Jan. 1, 2008. This measure also allocates a portion of the Sex Offender Registry Technology Fund to the Attorney General's office over two years, beginning with the 07-08 fiscal year, to assist sheriffs with technology to track offenders and to support activities in the Attorney General's office.

Stalking Crimes

- **ACT 62** (HB 21 - B. White), **ACT 226** (SB 291 - Quinn) - These measures increase the penalties for stalking and stalking with the threat of bodily harm. Currently a stalking crime - even one with the threat of bodily harm - is treated as a misdemeanor. These measures elevate the crime of stalking with the threat of bodily harm to a felony, mandating at least one year in jail with no possibility of suspension of sentence, probation or parole. A second conviction carries a minimum of five years in jail with a third offense resulting in up to 40 years in prison. If the stalking crime - even one without the threat of bodily harm -

involves a victim under the age of 18, the crime is also be a felony.

Domestic Abuse

- **ACT 41** (HB 342 - Wooton) - Adds the crime of domestic abuse battery to those crimes for which additional penalties may be applied if a firearm is used or possessed in the commission of the crime.
- **ACT 421** (HB 963 - Marchand) - Sets up a pilot program in the Department of Labor to provide unemployment benefits to domestic abuse victims who cannot go to their place of work for fear of abuse. The labor department will report back to the legislature on the program's operations by Jan., 2010.

Victims Rights

- **ACT 22** (HB 134 - Chandler) - As a term of a plea agreement, a trial court may order restitution to victims of the defendant's criminal conduct, even if the victims were not subject to the specific crime for which the plea agreement was entered. State law already provides trial courts the authority to order restitution to the victim of the alleged crime.

Drug Crimes

- **ACT 19** (HB 70 - Waddell) - Retains the present punishment for individuals with a third conviction of possession of marijuana of no more than 20 years in prison and adds an additional fine of not more than \$5,000.

Sentencing Options

- **ACT 125** (SB 147 - Cheek) - Provides prosecutors the option of seeking the death penalty or life imprisonment in first-degree murder cases. Prosecutors are now required by state law to seek the death penalty.

Indigent Defense

- **ACT 307** (HB 436 - Martiny) - Creates a new state board to oversee local indigent defense offices rather than 41 independent boards across the state. The new oversight is designed to improve and standardize the quality of representation, reduce the number of appeals and improve confidence in the system. The new board will monitor workload and public defenders' performance. Advisory boards in the districts will work with the new state board. Eight out of every 10 criminal defendants in Louisiana requires a state-appointed lawyer. The state operating budget includes \$28.1 million for indigent defense with another \$1 million for technology to support efforts of the new state board included in the state supplemental budget plans.

Innocence Compensation

- **ACT 262** (SB 172 - Chaisson) - Increases the maximum amount a person wrongfully convicted and imprisoned can collect from the state's Innocence Compensation Fund after proper petition and review from \$25,000 to \$40,000.

Retail Theft

- **ACT 395** (HB 113 - M. Powell) - Creates the crime of organized retail theft. The act provides penalties for the crime when the aggregate amount of theft in any 180-day period amounts to less than \$500, of imprisonment for not more than 2 years, or \$2,000 fine, or both; when the value is more than \$500, no more than 10 years imprisonment, a \$10,000 fine, or both.

Utility Equipment/Metals Theft

- **ACT 73** (HB 184 - Martiny) - Increases penalties for the theft of fiber-optic cables, generators, copper wiring and other utility equipment so that a conviction for the theft

of utility property carries a maximum 10 year jail term and a \$10,000 fine.

- **ACT 65** (HB 126 - LaFonta) - In a further attempt to crack down on the theft and resale of copper and other building materials, this measure mandates that scrap metal dealers keep a record of the seller's driver's license and other identification. Dealers who fail to keep such records face up to 30 days in jail and a \$1000 fine.

RECOVERY RELATED ISSUES:

Beyond the federal funds for hurricane recovery, state legislators also set aside state dollars to support recovery efforts. Over \$370 million in increased state revenues, along with redirected federal recovery money, is set aside for the Road Home program so that \$1 billion is earmarked to address a shortfall in that program. There is also money earmarked for a revolving loan fund for New Orleans to make infrastructure repairs as well as funds for City Park reforestation, and the operation of the New Orleans Convention Center and the city visitor's bureau.

Across the hurricane-impacted areas, state dollars are earmarked to help damaged universities to recover and to ease the burden of rising health insurance costs on schools systems in those areas.

Contractor Licensing/Complaints

- **ACT 398** (HB 301 - Hutter) - Increases the minimum cost of a residential construction project that requires a licensed residential contractor from over \$50,000 to over \$75,000 to reflect the rising cost of construction. After Oct. 1, 2007, home improvement contractors who perform work on projects over \$75,000 will also be required to obtain a residential contractors license. This measure also authorizes the state licensing board to issue citations for violations and requires the board to post on its website the name of any person registered or licensed by the board who is

subject to two or more complaints in six months as well as the nature of the complaints.

Unemployment Benefit Repayments

- **ACT 288** (HB 221 - Morrell) - Extends for another year the deadline for government and non-profit agencies to repay the state for unemployment benefits paid their employees as a result of Hurricanes Katrina and Rita. State government is owed about \$606 million for benefits paid after the storms. State officials hope the federal government will provide some relief.

Rebuilding Public Facilities

- **ACT 373** (SB 121 - Murray) - Allows the use of the "design-build" method of planning and construction to expedite planning, renovation and reconstruction of parish and state buildings in certain hurricane-impacted parishes. "Design-build" allows a public agency to solicit bids for both designing and constructing a project, rather than bidding the project phases separately. The measure applies to Orleans, St. Bernard, Plaquemines, Jefferson, St. Tammany, Calcasieu, Cameron and Vermilion parishes, the Port of New Orleans, the city of New Orleans and the Recovery Authority. The authority to use the "design-build" process expires in two years.

Louisiana Infrastructure Bank

- **ACT 276** (SB 301 - Murray) - Creates the Louisiana Infrastructure Bank in the state treasurer's office. The bank will serve as a depository for private investors providing financing for public recovery efforts in the hurricane-impacted areas of the state. Federal and state funds can also be placed in the fund for recovery-related public infrastructure projects as well as low-interest loans to local governments waiting for FEMA reimbursements for such projects.

French Quarter-Marigny Historic Area Management District

- **ACT 280** (SB 364 - Murray) - In an effort to encourage tourism and economic development and to preserve historical structures, this measure establishes the French Quarter-Marigny Historic Area Management District. The district, which will have no zoning or taxing authority, will develop and promote programs to enhance public safety, improved sanitation and tourism in the area. The district is bounded roughly by the Mississippi River, Canal Street, the lake side of North Rampart Street, the down river side of Esplanade Avenue, the lake side of Royal Street, the upriver side of Touro Street and Elysian Fields Avenue. The 07-08 state budget plan includes \$50,000 for the district.

Tax Incentives for Returning Public School Teachers in SE LA Storm-Impacted Areas

- **ACT 351** (HB 847 - Jefferson-Bullock) - Provides a \$1000 state income tax deduction over two years to public school teachers who previously taught in Orleans, Jefferson, Plaquemines, St. Bernard and St. Tammany parishes and agree to return to teach in those parishes. The annual deduction shall not exceed \$500. The returning teachers must agree to a three year commitment to teaching in the area.

Tax Exemptions for Recovery Grants

- **ACT 247** (SB 32 - Murray) - Exempts from state personal and corporate income taxes any grants from the Louisiana Recovery Authority, the Road Home Program and the Louisiana Family Recovery Corporation. The exemption applies if there is a determination on the federal level that the grants must be included in the taxpayers federal adjusted income.

Louisiana Housing Counseling Assistance Act

- **ACT 383** (SB 232 - Bajoie) - Authorizes private non-profit organizations certified by the Louisiana Housing Finance Authority to operate housing counseling centers to assist hurricane victims - both homeowners and renters - to return and rebuild. The state Office of Community Development and the Road Home Corporation may set aside funds to support the centers.

Entergy Surcharges

- **ACT 55** (HB 577 - Pinac) - Creates a non-profit state agency, the Louisiana Utilities Restoration Corp., to serve as a mechanism for Entergy and other utilities to sell bonds to recoup costs associated with storm damage repairs and then bill customers over a longer period of time at a reduced rate to pay off the bonds. Utilities are allowed to recover storm damage costs from customers. The legislature authorized utilities to sell bonds last year. The creation of the non-profit state agency will allow the bonds to be sold at a much reduced interest rate. Customers will save between \$25 million to \$200 million in reduced interest costs through this mechanism.

Felony Crimes/Charges

- **ACT 295** (HB 313 - Scalise) - In an effort to avoid future release of accused felons particularly in the New Orleans area where the criminal justice system still struggles to deal with case loads, this measure doubles the time authorities can hold first-degree murder and forcible rape of a minor suspects without charging them. The current time limit of 60 days will increase to 120 days. The measure originally would have applied to all felony suspects. In Texas, the window to charge a suspect is 180 days.

MILITARY MEMBERS & FAMILIES ASSISTANCE:

Military Tax Credits

- **ACT 306** (HB 428 - John Smith) - Grants a refundable tax credit to active and reserve military personnel as well as their spouses and dependents for the cost of non-commercial hunting and fishing licenses.
- **ACT 160** (SB 5 - Mount) - Makes permanent an existing tax exemption afforded active duty military personnel that is set to expire this year. The first \$30,000 of income earned by members of the military serving outside the state is exempt from state income taxes. The tax break amounts to about \$1.4 million a year for the impacted military personnel and their families.

Military Benefits

- **ACT 260** (SB 158 - Marionneaux) - Requires the state to pay up to \$250,000 to families of Louisiana National Guard members killed in the line of duty and up to \$100,000 to soldiers permanently disabled. The benefits apply when the guard members are serving in connection with the business of the military forces of the state or when called to duty by the President. The benefits are not retroactive

to deaths or injuries that occurred prior to the new law.

- **ACT 123** (SB 95 - Amedee) - Provides free driver's licenses to disabled veterans. Any military veteran who was honorable discharged, has a service-related disability of at least 60% and receives disability checks from the federal government is eligible for the free license, except those who are required to register as sex offenders under state law.

OTHER ISSUES

- Cockfighting - Prior to the approval of the new state laws detailed below, Louisiana was the only state that allowed cockfighting. In 39 states, cockfighting is a felony. In Mississippi, the fine is \$25. In April, the U.S. Congress passed a bill making it a felony punishable by a prison sentence of up to three years for anyone caught shipping fighting dogs or roosters, or the fighting implements used in cockfights.
- **ACT 223** (SB 221 - Lentini) - Prohibits gambling at cockfights. Bettors face up to \$500 in fines and 6 months in jail for a first offense, \$1000 in fines and up to 1 year in jail for additional offenses. Organizers of cockfights who knowingly allow gambling at the events face up to \$20,000 in fines and 5 years in prison. The betting ban is effective Aug. 15, 2007. Those who oppose cockfighting believe the gambling prohibition will greatly reduce the practice even before cockfighting is banned next year.
- **ACT 425** (HB 108 - Ritchie) - Prohibits anyone from conducting or organizing cockfighting. Violators face up to six months in jail, a \$1,000 fine or both for a first offense. The ban is effective Aug. 15, 2008.

Video Poker

- **ACT 443** (HB 547 - Martiny) - Increases the maximum video poker bet from \$2 to \$4 and increases the allowable jackpot from \$500 to \$1000 for truck stop operations and those with three or more machines. Devices operated at race tracks already have the higher limits.

Litter Control

- **ACT 190** (HB 407 - K. Carter) - Continues the current \$1 fee included in the cost of renewing a driver's license that is set aside for litter control until 2011. The fee was set to expire this year.

Rendering Plant Odors

- **ACT 340** (HB 758 - Montgomery) - Authorizes the city of Shreveport to adopt local ordinances regulating odors produced by rendering companies, over and above state regulations. The city has been grappling with noxious odors emanating from a rendering plant near the downtown area and the city's new convention complex.

Vehicle Sales/Federal Consumer Protection Requirements

- **ACT 131** (SB 256 - Hollis) - Increases the cap on the documentation fee motor vehicle dealers can charge customers for the cost of complying with federal consumer protection laws. The current \$35 cap is raised to \$100.
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Finance Company Loan Fees

- **ACT 31** (HB 284 - Walsworth) - Increases the loan origination fee finance companies may charge consumers from \$25 to \$50. The Louisiana Finance Association notes this is the first substantial rate increase in the fees in 25 years.